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4 SELECT COMMITTEE TO INVESTIGATE THE
5 JANUARY 6TH ATTACK ON THE U.S. CAPITOL,
6 U.S. HOUSE OF REPRESENTATIVES,
7 WASHINGTON, D.C.

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11 INTERVIEW OF: MATTHEW FORBES POTTINGER

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15 Thursday, April 7, 2022

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17 Washington, D.C.

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20 The interview in the above matter was held via Webex, commencing at 10:01 a.m.

21 Present: Representatives Murphy and Cheney.

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2 Appearances:

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5 For the SELECT COMMITTEE TO INVESTIGATE

6 THE JANUARY 6TH ATTACK ON THE U.S. CAPITOL:

7

8 [REDACTED], SENIOR INVESTIGATIVE COUNSEL

9 [REDACTED] SENIOR INVESTIGATIVE COUNSEL

10 [REDACTED] INVESTIGATIVE COUNSEL

11 [REDACTED], CHIEF INVESTIGATIVE COUNSEL

12 [REDACTED] INVESTIGATIVE COUNSEL

13 [REDACTED] PROFESSIONAL STAFF MEMBER

14 [REDACTED] CHIEF CLERK

15

16

17 For MATTHEW POTTINGER:

18

19 JOHN BELLINGER, III

1

2 [REDACTED] All right. Good morning, everyone. My name is [REDACTED]

3 [REDACTED] I'm a senior investigative counsel here on the House Select Committee to

4 Investigate the Attack on the U.S. Capitol on January 6th. Joining me in the room is [REDACTED]

5 [REDACTED], a senior investigative counsel, as well as [REDACTED], professional staff member.

6 Joining via WebEx is [REDACTED], investigative counsel, and Representative Liz Cheney.

7 Ms. Cheney. I just want to say --

8 [REDACTED] Go ahead.

9 Ms. Cheney. [REDACTED], I -- that's fine. I just wanted to say good morning both to
10 Matt and to John. Nice to see you both.11 Mr. Pottinger. Hi, Congresswoman. It's Matt. Yeah, thanks -- thank you.12 Ms. Cheney. Hi, Matt.13 And I'll be -- we're on our way to votes, but I'll be in a place more -- more sturdy
14 and stable in just a few minutes, so --15 Mr. Pottinger. Great.16 Ms. Cheney. It's great to be with you. Thank you.17 Mr. Bellinger. Hi. It's John.18 Ms. Cheney. Hi, John.19 Mr. Bellinger. Nice to hear your voice.20 Ms. Cheney. Thank you. Yours, too.21 Mr. Bellinger. And I -- John -- well, why don't we finish the introductions. I just
22 have one question for you about how we will know when others join us. I guess you will
23 let us know, or we'll watch the participant list.24 [REDACTED] Yeah, I do -- I try my best to make the record. [REDACTED] lets
25 them in virtually, so usually it happens in realtime.

1 Mr. Bellinger. Great.

2 [REDACTED] So also, we appreciate you appearing voluntarily today. I'll
3 just go through the -- kind of the formal intro, but could you, Mr. Pottinger, state your
4 name and -- for the record.

5 Mr. Pottinger. Sure. It's Matt Pottinger. Matthew Forbes Pottinger in the
6 long form. And I'm coming to you from my home in Utah today.

7 [REDACTED] Great, and Mr. Bellinger.

8 Mr. Bellinger. John Bellinger of Arnold & Porter, counsel for Mr. Pottinger, and
9 I'm in Arlington, Virginia today.

10 [REDACTED] Great. Is anyone else joining from your side, Mr. Bellinger.

11 Mr. Bellinger. No, that's all.

12 [REDACTED] Great.

13 We are conducting this interview on WebEx, and I want to make sure we go
14 through certain housekeeping items before we start. One is that we did provide you, I
15 think, seven exhibits in total. I want to make sure, Mr. Pottinger, you have a copy of
16 those in front of you as we go through them, or we can have them appear on the video
17 screen.

18 Do you have --

19 Mr. Pottinger. Yeah, I did glance through them, and I have hard copies of some
20 of those right now --

21 [REDACTED] Okay.

22 Mr. Pottinger. -- before my printer failed, but if I need to see them and don't
23 have it in front of me, I'll ask you to put it up on screen.

24 [REDACTED] Perfect. There's a court reporter. [REDACTED] is joining us,
25 and will create a verbatim record of what we discuss. With that in mind, it's important

1 that you answer questions verbally. The court reporter cannot properly record
2 nonverbal responses.

3 Although this interview is not under oath, you are required to answer questions
4 before Congress truthfully. The requirement applies to questions posed by
5 congressional staff in an interview, and specifically, 18 USC Section 1001 does apply
6 during this interview, which makes it a crime to make any materially false statements
7 during a congressional investigation. Do you understand that, Mr. Pottinger?

8 Mr. Pottinger. I do. Thank you.

9 [REDACTED] We want to make sure you answer all of our questions in the
10 most complete and truthful manner possible. If you need to take a minute to consult
11 with counsel or take a minute for any reason, please be happy -- we're happy to allow
12 you to do that. And if you don't understand any question that myself or [REDACTED] or
13 any member may pose to you, please feel free to ask us to clarify.

14 Mr. Pottinger. Thank you.

15 [REDACTED] Anything else before we begin.

16 Okay. Great. Perfect.

17 And, Mr. Bellinger, are you on mute or not on -- you can unmute yourself, right? I
18 mean, sorry. Mr. Bellinger? Sometimes --

19 Mr. Bellinger. I can unmute myself, so I will probably generally stay on mute,
20 unless --

21 [REDACTED] Okay.

22 Mr. Bellinger. -- I have to interject, which I don't generally expect to.

23 [REDACTED]. Great.

24 EXAMINATION BY COUNSEL FOR THE COMMITTEE

25 BY [REDACTED].

1 Q Okay. Mr. Pottinger, I know you went to college in Massachusetts. I want
2 to start there. Did you grow up in Massachusetts?

3 A I did. I moved around the country quite a bit. My stepfather was an Air
4 Force officer and an engineer. So when he finished active duty, we moved to a number
5 of places, finally settling in Massachusetts, where I went to junior high school and high
6 school and college.

7 Q Great. If you could just kind of walk through your career up until the point
8 of when you joined the NSC, that would be helpful for us just by way of background?

9 And also, I think [REDACTED] our chief investigative counsel, has joined as well via
10 WebEx, so --

11 A Great, great. Yeah, so, you know, in brief, I studied East Asian languages in
12 college -- Japanese and Chinese -- and ended up majoring in a languages and literature
13 and history -- East Asian languages, literature, and history, and became a journalist after I
14 graduated from the University of Massachusetts at Amherst.

15 I worked in Washington, D.C., for about a year before studying in Taiwan to
16 improve my Mandarin. And then worked for the Reuters News Agency in the late '90s
17 based in Beijing. And then spent another five years covering China for the Wall Street
18 Journal.

19 I -- so I lived -- lived in China over the course -- you know, the better part of a
20 decade all-told. And then decided, in my early 30s, in 2005, that I wanted to serve as a
21 U.S. Marine. So I obtained an age waiver, and -- and went into officer candidate school,
22 spent the next five years on active duty based in Japan, and making combat deployments
23 to Iraq and to Afghanistan -- three deployments -- serving as an intelligence officer in
24 direct support of infantry battalions and other units during my time in.

25 Q Can I just interrupt one second? What -- what prompted you to want to

1 join the military in your early 30s?

2 A Yeah, if it wasn't temporary insanity, it was simply an opportunity to serve at
3 a time when I thought the country was in crisis. The war in Iraq was going not -- not
4 according to what we'd expected. I certainly was influenced by having grown up in a
5 military family. As I mentioned, my stepfather was a West Point graduate and an Air
6 Force officer. And -- and so I decided that, you know, you serve at times when the
7 country needs you to serve, so I --

8 Q I'm wondering if your stepfather -- I'm wondering if your stepfather asked
9 you what took you so long?

10 A My family was mostly befuddled by the -- by my decision, but -- but he was
11 certainly proud and supportive and -- yep.

12 Q I know you received a number of military awards. I wonder if you could
13 just talk us through which, and what tour you received those awards from?

14 A Let me think. I -- for my first deployment to Anbar Province in Iraq, I was
15 awarded a Navy and Marine Corps Achievement Medal for helping track down a
16 high-value target -- a high-value individual -- a member of Al-Qaeda who had killed a
17 significant number of Iraqi civilians, and as well as Marines and Iraqi service personnel.
18 He was a suicide car bomb maker and logistician, and we tracked him down and killed
19 him. So I was awarded a medal for that deployment.

20 I was awarded the Bronze Star Medal for my service in my first deployment to
21 Afghanistan. That was for a range of actions that my Marines and I took in support
22 of -- also, in part, intelligence operations, tracking down IED-making cells and teams. I
23 was awarded a defense -- another medal. I'm actually forgetting what the --

24 Q I think it's the Defense Meritorious Service Medal?

25 A Service Medal -- that's it. Thank you. And that was for my third

1 deployment for actions that I took part in, to train up female engagement teams, which
2 was a new concept that we had implemented to help have female Marines support
3 infantry operations by giving them the ability to interact with Pashtun women, when it is
4 a -- is taboo for men -- male Marines and -- and male Afghan national security forces.

5 To interact with local women is considered taboo, so we trained up a -- really, a
6 female infantry together with female interpreters to interact. And that was very helpful
7 to our efforts to maintain reasonable relations with people in southern Afghanistan, and
8 also to collect intelligence, and to directly support infantry operations there.

9 And I had also written an investigative report -- sort of a self-report into why our
10 intelligence operations were inadequate, and why they were failing to help us win the
11 war, which -- which I published with my coauthors.

12 Q From my notes, it looks like you were in the military for five years. That's
13 quite a lot of -- is that right?

14 A I served five years on active duty, and then another seven years as a Reserve
15 officer doing duty mostly at the Pentagon and a little bit at the Defence Intelligence
16 Agency, and up until my White House service, once I was serving the White House. With
17 a young son and another one on the way and a very demanding job, I was -- I ended up
18 leaving the Marine Corps, and I could no longer maintain the Reserve duty commitments,
19 given my other commitments.

20 Q And what year was that?

21 A Must have been 2017.

22 Q Okay?

23 A Or I think it was -- yeah, probably late -- late 2017.

24 Q At some point after your active duty ended, did you join a consulting firm?

25 A After my active duty, I moved to New York in 2010, and I started my own

1 business, which -- and just a small company called China Six, LLC, which was an
2 investigative research firm. I would hire Chinese journalists, really, and investigators to
3 help American clients investigate Chinese companies to see whether they were legitimate
4 or fraudulent. And so our clients were American corporations and financial firms.

5 Q And right prior to joining the NSC in 2017, what was -- where were you
6 working?

7 A Yeah, so I ran my own firm for three or four years, and then was hired by
8 one of my clients to come in-house and to work for them full time -- also doing analysis
9 and investigative research around the world. And that was a -- a financial firm that's
10 based -- headquartered in New York called Davidson Kempner Capital Management.

11 And I was there up until after the 2016 election, when I was asked to come
12 provide some advice to the transition team. And then was asked to join the NSC staff,
13 and I accepted that offer, and joined on day one of the Trump Administration in early
14 2017.

15 Q Great. And what -- who invited you to help with the transition team?

16 A Yeah, it was two people. One was Michael Flynn, who I had served with in
17 Afghanistan when he was the J2. He was a major general, basically the senior
18 intelligence officer for the -- our war in Afghanistan, and I worked for him and his
19 commander -- our commander, General Stanley McChrystal.

20 Mike Flynn called me after the 2016 election to seek my advice on matters related
21 to North Korea, as well as China, and Taiwan. And then his deputy, K.T. McFarland, who
22 is someone that I knew from New York. I'd known for several years. And she called
23 me and asked to me to come in. I wrote some policy papers for them, basically
24 recommending strategies for North Korea and for China, and for the Indo-Pacific region,
25 and K.T. and Keith Kellogg, who came onboard -- Keith was the one who actually gave me

1 the call asking me to join the -- the NSC.

2 Q Great. And what was Keith Kellogg's position then?

3 A Keith -- Keith was -- had worked on the campaign. And then during the
4 transition, he was really leading in -- in sort of a Chief of Staff role. He ended up
5 becoming a NSC Chief of Staff at the -- at the outset of the administration, and later went
6 to work for Vice President Mike Pence as his national security -- his senior national
7 security advisor.

8 Q So, Mr. Pottinger, you're one of the few people who were with the National
9 Security Agency for the entire Trump Administration. So can we just start with what
10 your position started with, and then what it ended up with? And then maybe generally
11 just some -- your thoughts on what the role was of the National Security Council?

12 A Certainly, certainly. So on day one, I began as what was called a Special
13 Assistant to the President. It's a commissioned job. I was a commissioned officer to
14 the President, and my title was the senior director for Asia. So I had responsibility for
15 the whole region, most of Asia, not including central Asia or India, but everything east of
16 there, all the way really to Hawaii were the -- was the geographic region I was responsible
17 for coordinating policy.

18 So we ended up writing a new strategy -- a few strategies that were interlocking.
19 We wrote a national security strategy during 2017. I played a key role in that. We also
20 wrote what was called the Indo-Pacific Strategic Framework, which was a
21 classified -- since declassified -- but at the time, classified strategy governing the whole of
22 government approach to the broader Indo-Pacific region.

23 And then -- so that -- the coordinating policy across the various departments and agencies
24 was a primary role, helping write our new strategies, and also staffing the President of the
25 United States, as well as National Security Advisor and Vice President of the United States

1 on their diplomacy and phone calls and visits with foreign leaders from the Asia-Pacific
2 region. So those were the primary roles that I played. I was in charge of a small staff
3 that grew over the course of my time there.

4 In late 2018, I was promoted to be a Deputy Assistant to the President, but still in the role
5 of senior director for Asia. The National Security Advisor at the time, H.R. McMaster
6 had promoted me to a slightly more senior level, which just involved more responsibility
7 for coordinating that policy.

8 And I remained in that role until September of 2019, when a new National Security
9 Advisor -- the fourth full-time National Security Advisor of the administration, Robert
10 O'Brien, Ambassador Robert O'Brien, was appointed to be National Security Advisor.
11 And he and the President appointed me to be Deputy National Security Advisor. So I
12 served in that role from mid, late-September 2019 until my resignation on the 6th of
13 January. And then my actual departure from the White House the next morning, the
14 7th of January, 2022.

15 Q Okay. Thank you for that. So just so I'm clear, it sounds like under
16 General Flynn, which was obviously a very short period when he was the National
17 Security Advisor, you started as the director over Asia, and that stayed through
18 Mr. McMaster and through Mr. Bolton, correct?

19 A Yes, that's correct.

20 Q And then Deputy Assistant to the President would be above that, and then
21 Deputy National Security Advisor is a step above that, correct?

22 A That's right. As deputy -- as Deputy National Security Advisor, my -- my
23 rank rose to the level of Assistant to the President, which is the highest rank for a staff
24 officer in the White House.

25 Q During that time, did you see any changes in priorities or -- based on the

1 different leadership or any changes the former President himself made?

2 A Well, the -- every National Security Advisor has -- has different styles and
3 some different priorities. In the main, the strategy remained fairly consistent with the
4 national security strategy that was unveiled in December of 2017.

5 With respect to China and the Indo-Pacific region, we continued to follow the
6 Indo-Pacific Framework all the way through the end of the administration. It ended up
7 being declassified. Robert O'Brien and the President made a decision to declassify that
8 strategy at the end of the administration. And I think it's a -- it's an accurate reflection
9 of what our priorities were really for the entire administration.
10 Iran policy was developed over the course of 2017, 2018, and remained consistent
11 through the end.

12 So in the main, the national security strategy, and its priorities and objectives were fairly
13 consistent throughout, even though, as you mentioned, we had four National Security
14 Advisors.

15 Q Did you have any visibility into kind of the domestic policy house and the
16 threats that were happening internally in the country, or was your focus mostly on the
17 Indo-Pacific area?

18 A Yeah, I -- during -- particularly during my time as senior director for Asia
19 working in the Old Executive Office Building, the Eisenhower Building, my exposure to
20 domestic policy was mainly through -- you know, was sort of passive. You know, I would
21 learn things from reading the press. You know, in those jobs, the -- the amount of work
22 that you have focused on your area is a -- is significant, to put it mildly, and you end up
23 staying fairly focused on the things that you're --

24 Q Yeah, of course?

25 A -- you know, required to focus on to get the job done. So there was not a

1 lot of dabbling in domestic policy. When my office moved to the West Wing, when I was
2 Deputy National Security Advisor, I still stayed heavily focused on running the NSC at that
3 point. As the Deputy National Security Advisor, my job -- I think it's consistent for most
4 Deputy National Security Advisors, but in this White House, in particular, there was a
5 pretty clear delineation of roles, where the National Security Advisor was focused on the
6 President and staffing the President. The deputy, myself, was heavily focused on the
7 policy process, running the Deputy Committee meetings, which became the
8 primary -- not the most senior, but the forum that was most heavily engaged in making
9 foreign policy and national security policy. And then also, you know, running a staff of
10 more than 200 people -- our -- all the staff of the National Security Council. I was very
11 much focused on operationally running that body.

12

BY [REDACTED]

13 Q So during the Trump Administration, was Homeland Security under the NSC
14 or was that separate within the White House?

15 A So the -- when we would hold -- the National Security Council staff has the
16 unique role of coordinating all of the departments and agencies on matters of foreign
17 policy. So national security, that's outward-facing beyond our shores.

18 And in those roles, when I would convene Deputy Committee meetings, there was
19 the deputy head of the Department of Homeland Security in those meetings, yes. And
20 Department of Justice, State Department, CIA, really -- really, the full panoply of the
21 deputy cabinet officers were the people that I would convene to address matters of
22 foreign policy.

23 So when it came to questions of domestic policy, there were different fora and different
24 bodies for coordinating that. For example, immigration policy was something that we
25 spent very little time on in the National Security Council. But when it came to the things

1 like COVID, or threats from state actors, preparing for foreign threats to our election
2 cycle, those were things that I was very much engaged in.

3 Q Was there a Homeland Security advisor within the White House?

4 A Yes, and it -- the position rotated a couple of times. It was Dr. Julia
5 Nesheiwat was the Homeland Security advisor when Robert and I were the National
6 Security Advisor and Deputy National Security Advisor. And -- and she was -- did have
7 responsibility for helping coordinate things like resilience, and coordinating with the
8 Homeland Security Department, yes.

9 Q But she was not part of the NSC staff; is that right?

10 A No, she -- actually, we did consider her part of the NSC staff. We did. So
11 that -- yeah, we did.

12

BY [REDACTED]

13 Q So I think what you described was that the National Security Advisor -- so
14 that would be Mr. O'Brien -- would be staff to the President, and then essentially you're
15 running the policy shop for the NSC; is that fair to say?

16 A I think so, mm-hmm.

17 Q And then how -- how are those decisions that come out -- the policy making
18 conveyed to the President, and what was his involvement in that process?

19 A Yeah, so the way that the process works is that significant decisions on
20 foreign policy would be discussed and deliberated by the Deputy's Committee that I
21 chaired. And then if there was consensus about the direction the policy should go, that
22 would be reflected in our -- our summary of conclusions, which is a written summary of
23 what was determined in the meeting. And sometimes there were differences of views
24 represented by different departments and agencies. Those differences of views would
25 also be reflected in a summary of conclusions.

1 If the matter was something we felt there was something close to consensus on,
2 usually that was sufficient to make U.S. policy. If it was something where there was -- it
3 was more contentious or there were significant differences of opinion about what our
4 policy should be, we would provide a range of recommendations up to the Principals
5 Committee.

6 The Principals Committee is chaired by the National Security Advisor, and it involves
7 cabinet-level officers that he would convene to hear the range of options that had been
8 teed up by the Deputy's Committee. And then for them to deliberate on that, and try to
9 make a final decision.

10 In cases where a decision could not be made at the principals level, or where there was
11 a -- there was a good reason to believe that the President himself should weigh-in on the
12 issue, that would then be adjudicated in the Oval Office or in a formal National Security
13 Council meeting. A formal National Security Council meeting is one that the President
14 presides over, and where key members of his cabinet are there. The President usually
15 ends up making a decision in a National Security Council meeting.

16 So the majority of policy was usually adjudicated at the Deputy's level, or even below in
17 the some cases, at an Undersecretary or Assistant Secretary level.

18 Q So let me clarify one thing. The Deputy Committee meetings that you
19 chaired, is that just with NSC staff?

20 A No, I would chair a meeting that was attended by the deputy cabinet officers
21 of most of the cabinet departments and agencies.

22 Q Okay. So that was an interagency process as well as the Principals
23 Committee would be, I'm assuming, like the General Milleys and the director of ODNI,
24 that level. Okay?

25 A You got it. And so General Milley -- you know, the Vice Chairman of the

1 Joint Chiefs would attend my Deputy's Committee meetings.

2 Q Okay. Thank you for that crash course on the NSC?

3 A Yeah, sure.

4 Q That was -- that was helpful as we inform some of our questions going
5 forward?

6 Did you have anything else on that?

7 [REDACTED] No.

8 [REDACTED] Great.

9 BY [REDACTED]

10 Q So I want to kind of shift gears towards preparations for the elections itself,
11 and what your visibility was into ensuring that it was a secure presidential election in
12 November 2020, whether this came up in your Deputy Committee meetings. I know
13 there was some interagency meetings that were occurring before the November
14 elections. So if you could talk us through some of your knowledge about that?

15 A Certainly. I think that starting in probably late 2019, but certainly by early
16 2020, I was chairing regular Deputy's Committee meetings focused on the security of our
17 elections. Now, the focus was on foreign threats to elections. That was something
18 that I took responsibility for chairing those meetings, ensuring that we were
19 well-informed, that our full -- you know, all of our departments and agencies were
20 informed about threats that had been surfaced by our intelligence community, potential
21 threats to the safety and credibility and security of our elections.

22 As we got closer and closer to the election, the tempo of those meetings
23 increased. I can't remember how many of those meetings I chaired -- those formal
24 Deputy Committee meetings related to election security, but I'm quite confident that with
25 the exception of COVID -- then on any other topic while I was Deputy National Security

1 Advisor.

2 [REDACTED] He froze for a second.

3 [REDACTED] Okay.

4 Mr. Pottinger. I can repeat myself if I froze there for a moment.

5 [REDACTED]. I think we're okay.

6 BY [REDACTED]

7 Q Who would be the attendees of those regular Deputy Committee meetings?

8 A Yeah, so the -- for the ones that were focused on election security, there was
9 a broad range of people, but two of the key people -- or actually three of the key people
10 who played, in my view, very important roles in helping secure those elections, included
11 our senior counterintelligence official at the time. His name is Bill Evanina. Also, the
12 senior cyber official for the Department of Homeland Security. His name is Chris Krebs.
13 Also, the -- some of the meetings were attended by the head of the National Security
14 Agency, General Paul Nakasone.

15 But in addition to them, we had the Deputy Secretary of State, Deputy Secretary
16 of Defense, or else the Undersecretary -- Undersecretary of Defense For Policy. We had
17 the Vice Chairman of the Joint Chiefs, General Hyten, the -- Ken Cuccinelli, who's the
18 Deputy of the Department of Homeland Security, in some of those meetings. In others,
19 DHS was solely represented by Chris Krebs.

20 And so in all of -- I mean, of the more than 100 Deputy -- formal Deputy Committee
21 meetings that I chaired in my 15 months as Deputy, the largest percentage, I think, was
22 devoted to election security.

23 Q I understand the focus was on the foreign threats, and I'll start with that, but
24 was there any -- obviously not unclassified -- any red flags that were -- that anyone made
25 you aware of, and how were they dealt with?

1 A Sure. We were -- without revealing any classified information, I can say
2 that we were tracking threats from several states -- several adversarial state
3 governments, where there were -- we were aware of aspirations to, at a minimum,
4 undermine the credibility of U.S. elections by fomenting dis -- you know, disinformation,
5 and -- and other steps that were mainly designed -- and, of course, we were on alert also
6 for signs to actual interfere in our elections. "Interference" is a technical term in the
7 context of discussing securing elections. Interference would mean actually trying to
8 change, you know, the outcome through, you know, cyber attacks, or changing -- you
9 know, disrupting, for example, people's voter registrations, things of that nature.

10 As opposed to influence as opposed to -- so, you know, "influence" in this context
11 means trying to inject narratives into the public discourse in the United States that are
12 designed to sow confusion, or to undermine the credibility of the elections, so doubt
13 about whether an election was legitimate, for example.

14 We were tracking multiple threats over the course of the year in the run up to the
15 election. I can say without divulging any intelligence, that we took rather proactive
16 steps to undermine efforts by certain state actors to either interfere in or influence our
17 elections. And that, in my judgment, and I think in the collective judgment of that -- of
18 the committee I chaired -- because we met after the election as well -- we believed that
19 we were successful in mitigating and ultimately blunting those efforts by states to
20 interfere in our elections from abroad.

21 In many ways, it was the dog that didn't bark. We think that that was a sign of success,
22 and -- and I credit leaders and people at the bureaucratic level in those departments and
23 agencies, including at the NSA, the intelligence community, DOD. The Department of
24 Homeland Security, I think, did -- did quite good work to blunt those threats.

25 Q And it sounds like you're confident actions were taken against any potential

1 efforts to sow doubts by these foreign actors?

2 I -- I want to shift towards -- as the COVID pandemic began kind of in March
3 of 2020, how did that impact the lead up during these -- during these meet ups into the
4 election. I understand the focus was still on the foreign threats, but obviously, this
5 impacted the election in so many ways, and were there conversations about that.

6 A Yeah, we did not have any policy decisions to make about the way that our
7 elections are conducted -- how states choose to distribute ballots or how far in advance
8 of the election. Those were not policy -- national security policy issues. We were kept
9 informed. In -- in many of our meetings, we would get briefings from DHS, for example,
10 on what the states were doing.

11 In other words, we were aware that a lot of states were changing the way that
12 they conducted elections in order to account for social distancing, the fact that we were
13 in the middle of a -- of a extremely disruptive and frightening pandemic. But we did
14 make policy decisions with respect to how the election was conducted.

15 Q Without any decision making, though, was there any discussion about the
16 impact of the mail-in voting or any concerns raised about that during -- during these
17 meetings?

18 A Yeah, I do recall asking questions and others asking questions to help us
19 understand how mail-in voting works. There's some states -- a handful of states that
20 had experienced over the course of several election cycles, including my home state of
21 Utah, in doing mail-in ballots broadly. But there were a number of states that were
22 shifting on short notice to a similar kind of approach, so naturally, we wanted to know
23 whether those efforts were -- would create additional vulnerabilities from the standpoint
24 of foreign actors.

25 And so, you know, the process was explained and briefed, and there were times

1 when we wanted to ask questions to understand what the process is for distributing
2 ballots, what happens when a ballot comes in, when the envelope is opened, and the
3 ballot is then examined, are there ways to remediate at that point.

4 You know, most of the remediation would have to occur before the -- the thing is, you
5 know, opened -- for example, is their signature on the back, and so forth. So we were
6 sort of in discussion about -- or being briefed on that, what that would look like, but I
7 don't recall us getting into deeper questions of -- of the wisdom of that approach or
8 whether -- we were focused primarily on whether that would create a surface or
9 vulnerability for foreign state actors to attack.

10 Q Was Chris Krebs the person who would be briefing on those issues primarily?

11 A Certainly, Chris briefed on those issues. Not exclusively. Although I think
12 "primarily" is probably a safe -- a safe statement, yeah.

13 Q And during any of those meetings, do you remember any concerns about
14 that -- about the particular mail-in voting process being raised?

15 A I don't recall a specific technical threat. They were more expressions of
16 concern, general anxiety about such major shifts occurring in, you know, in just a matter
17 of months before the election began. I think that there was sort of floating angst
18 about -- about that, but not specific technical threats.

19 Q Okay. I want to shift to the day of the election. Were you in the White
20 House that day?

21 A On election day, I was in the White House, yes. And I do recall being in the
22 White House, and watching some of the returns come in.

23 [REDACTED] I want to welcome Representative Murphy. I believe she just
24 joined the interview.

25 Ms. Murphy. Good morning.

1 [REDACTED] Good morning.

2 BY [REDACTED]

3 Q On that day -- in the lead up to it, were you aware of some of the claims that
4 had begun at that point by Rudy Giuliani or Sidney Powell about the potential for
5 widespread fraud for the election?

6 A Not in any direct kind of way. I mean, I'm sure I was aware of news
7 reporting about some of -- some of the statements by Rudy Giuliani or Sidney Powell,
8 although I -- frankly, I remember more of that emerging with the press, of course, after
9 the election. I don't have any specific memory of what they were alleging right -- right
10 in the lead up to it. But I was generally aware, but not directly aware.

11 Q Do you remember seeing them in the White House on election day?

12 A I do recall seeing Sidney Powell. It was -- it was the only time I'd ever seen
13 her before or since -- in the -- in the area where some TVs had been set up, some TV
14 screens, in the residence of the White House, where there was a reception and people
15 were watching the returns come in. I don't recall seeing Rudy Giuliani, and did not see
16 or interact with them at any point that I was in office.

17 Q Did you watch the returns at the White House?

18 A I did. I was working, and so mostly just watching from my office. I did
19 walk over to that reception at one point that evening just very briefly.

20 Q Now, obviously, the election wasn't declared that evening. On
21 November 7th, major networks declared Joe Biden was the President-elect. Obviously,
22 there was litigation, a number of events occurred after that, but I'm just curious about
23 your thought about the security of the presidential election?

24 A Yeah, you know, with respect to the, you know, foreign threats to the
25 election, we were confident that we had blunted any attempts that our intelligence had

1 surfaced to influence the election. So we were -- we were -- by the time the election
2 was over, we were confident that direct foreign interference and really even foreign
3 influence had not played any kind of a major, much less decisive role in the election.

4 Q Did you -- were you aware of the firing of Chris Krebs, then, on
5 November -- November 12th, I believe it was?

6 A I heard about it. I did not know about that in advance.

7 Q Were you surprised by it? It was linked directly to the statement that CISA,
8 along with other organizations, put out that the November 3rd election was the most
9 secure in American history?

10 A Yeah, with respect to foreign interference or influence, I don't disagree with
11 Chris's statement. You know, in other words, with the idea that as far as we knew, there
12 was no direct foreign influence or interference that would have -- that had played a
13 significant role.

14 Q And did you agree with Attorney General Barr's December 14th statement
15 that there was no widespread fraud in the election that could have changed the
16 outcome?

17 A I had no reason to doubt his statement. Again, I wasn't focused at
18 any point on -- really, on the domestic factors, the court cases that were playing out, the
19 challenge -- the challenges in court. I was not directly involved in any of those efforts.
20 So I was really about as well-informed as any -- you know, anyone paying attention to the
21 news would be.

22 Q So as you head towards -- from now November into the end of the
23 administration, how would you describe, you know, the mood of the White House?

24 A The mood of the -- yeah. Well, I would say that the -- you know, it was
25 clear that the President was, you know, determined to challenge the outcome, and that

1 he was unlikely to concede. That was -- weighed on everyone's -- on everyone's -- sort
2 of -- you know, on the atmosphere of the White House.

3 The National Security Council staff was busying itself preparing for the transition
4 to a Biden Administration while stilling being aware that some of these things were
5 playing out in court, that there was always the possibility that there might be some
6 dramatic turn in events, although that seemed unlikely. We wanted to make sure on
7 the National Security Council staff that we were going to conduct a first rate, extremely
8 thorough transition to the incoming administration, and that -- that entails quite a lot of
9 work, by the way.

10 And, of course, we're also at a vulnerable moment in -- the genius of our system is that
11 we have a predictable transition of power every four or eight years, and that period of
12 transition is a period of natural vulnerability with respect to foreign state actors. So we
13 were very much focused on watching the activities of the People's Republic of China, of
14 Iran, of North Korea, for example, and ensuring that -- that our national security was
15 secure during that -- during that period.

16 So it was very much -- the mood was one of busy anxiety, busying ourselves with the
17 transition, busying ourselves watching carefully foreign actors. And then out of -- out of
18 the other corner of my eye, watching the national drama playing out of a contested
19 election.

20 Q When did the transition begin for the National Security Council? Obviously,
21 there's a GSA ascertainment that happened a few weeks later, but when -- when did you
22 direct your staff to begin?

23 A I -- I think -- I'm trying to remember. It was -- it was rather quick. I seem
24 to recall that the -- the election was -- was declared by news media a few days after the
25 election, right.

1 Q The 7th, yeah?

2 A So -- yeah, the 7th. So certainly at that point, I would've already been
3 having conversations with the National Security Advisor about making sure we're ready
4 to -- to conduct that transition. So that meant -- it didn't mean that we are in
5 conversation with the Biden team yet. That was something that was approved later by
6 the chief of staff's office, by our general counsel, but we began the internal work of
7 having senior directors, the heads of each our NSC directorates preparing turnover
8 binders to -- that we -- you know, once given a green light, that we would provide to the
9 incoming team.

10 So turnover binders would mean key intelligence that we thought would be
11 important for the incoming team to know about, all of the strategies. Every strategy
12 that had been adjudicated in that White House, we wanted them to have the benefit of,
13 because those were the strategies that our interagency -- you know, all the departments
14 and agencies were supposed to be following.

15 And then other things, where things are -- things that are on the near horizon, we think
16 that they'd need to know about -- events or -- or threats or intelligence, sort of
17 near-horizon things they would need to be aware of, the strategies, and current
18 intelligence.

19 Q So it sounds like you started that process pretty immediately, knowing that
20 it's a complicated process to start and -- within that time period given, right?

21 A Yeah, we started that -- that internal-facing process certainly not too long
22 after the election, you know, by mid-November.

23 Q You mentioned that there was, obviously, the litigation that was happening,
24 and there was the former President Trump didn't concede the election at all, but
25 particularly during that time. Were you concerned about the impact that would have

1 perception-wise by foreign actors?

2 A Yes, and I felt that way about -- you know, whenever we've had a contested
3 election. The first one that I -- you know, we all remember, of course, was the election
4 of 2000. I was working in China as a reporter at the time, and it was a very -- it was an
5 uneasy time, but there was also confidence, I think, that our system would -- would
6 adjudicate it.

7 We're a rule of law society. We have -- we have constitutional prescriptions for
8 situations just like this. We've got laws to deal with situations like this. So I think that
9 there was -- I was confident that the system would ultimately prevail. But nonetheless,
10 it is -- it is a time of natural vulnerability when it's unclear to the country and to the
11 world, including our adversaries, what the ultimate outcome would be.

12 Q What was your interactions with the Chief of Staff, Mark Meadows, during
13 this time period or during your time period in that role that you had under Mr. O'Brien?

14 A You mean over the course of that whole, you know, 15 months or so that I
15 was in --

16 Q Sure?

17 A Yeah, so when I came into the role of Deputy National Security Advisor, Mick
18 Mulvaney was the Acting Chief. I had frequent interaction with him. In no small part,
19 because of the COVID pandemic, and, you know, we -- we began in January having daily
20 meetings convened by the National Security Council staff that then evolved at the end of
21 January into what became known as the COVID Task Force.

22 But I was in every one of those meetings, including on weekends. And so I had
23 quite a lot of interaction with Mick Mulvaney until Mark Meadows came in, sometime in
24 March, and -- and had quite a lot of interaction with him focused primarily on COVID, and
25 our COVID response that -- we were consumed with COVID response for, you know, really

1 the entirety of 2020, but particularly that spring into early summer. So I had routine --

2 Q I should note that you became the NSC point person on the COVID Task
3 Force; is that --

4 A That's right. That was a deliberate decision by the National Security
5 Advisor, given my -- my experience actually covering the SARS epidemic for the
6 Wall Street Journal in China back in 2003. So I had -- I had still a layman's knowledge,
7 but a pretty -- a pretty deep layman's knowledge about the intersection of pandemics and
8 the Chinese government and coronaviruses specifically, too.

9 Q Were you ever present for any discussions about the claims of election
10 fraud, either with Mr. Meadows or with the President himself?

11 A No. So my -- following the election, I spent fairly little time with the
12 President. I think that I had just really a handful of interactions with him, the last of
13 which was on Christmas Eve of 2020, and all of those conversations were focused on
14 specific policy questions, where I needed to either brief him or ask for a decision from
15 him on a policy matter -- and those were national security matters. None of
16 them -- none of them were related to the election.

17 Q There was never -- there weren't any moments where -- just there was any
18 throw-away comments about the claims of election fraud particularly during this
19 November, December period?

20 A I can recall, I think, just one instance of the President making a comment to
21 the effect that he believed that the election had been stolen. It was a -- a side remark in
22 a conversation that was not focused on the election. I remember having the impression
23 that he believed that the election had been stolen, but it was a -- it was a non sequitur
24 remark in -- during a conversation about a foreign policy issue.

25 Q Do you --

1 A That was the only time I remember hearing the President --

2 Q Do you remember the timeframe of that comment?

3 A It was -- it would have been late November, early December. I can't
4 remember the date.

5 Q And do you know who was present for that conversation?

6 A It was on -- I'm trying to remember whether Mark Meadows was there. I
7 actually do not remember who else was there. I'm sure that there was probably one
8 other person in the room, but I -- it might have been -- it might have been Mark. I don't
9 recall.

10 Q Did you respond in any way?

11 A I did not.

12 [REDACTED] do you have anything.

13 [REDACTED] No.

14 BY [REDACTED]

15 Q I want to -- before I show you some exhibits, was there ever any sense closer
16 to the November 7th timeframe, after it was declared that Joe Biden would be the
17 incoming President, was there any sense then -- early on -- that the President may
18 concede the election?

19 A So I wouldn't have had enough time with the President to make that
20 determination for myself, but the sense from talking to others in the West Wing was that
21 the President did not appear likely to concede. But I think there was also a -- an
22 assumption among staff in the West Wing that the President would step aside, even if he
23 didn't concede. In other words, that we would have an inauguration as planned, as
24 scheduled, and a new President would take residence in the White House on inauguration
25 day.

1 I don't recall anyone ever suggesting or showing real concern that -- that would
2 not happen, that we would not have a transition, but a concession seemed -- as those
3 weeks ground on, a concession seemed less and less likely.

4 Q I want to show you Exhibits 2 and 3 just to get a sense of some of the activity
5 that was going on during this time period?

6 A Sure.

7 Q Exhibit 2 is an e-mail. Do you have it, or else I can --

8 A Let me pause just for one second.

9 Q Sure?

10 A If you just give me one second. I'm going to stop the video and mute just
11 to -- just to dig up some -- some papers, so I can --

12 Q Sure. Do you want to take five minutes now?

13 A Yeah, five minutes is more than enough. I just --

14 Q Okay. Great?

15 A Thank you.

16 Q Yep?

17 [Discussion off the record.]

18

BY 

19 Q I think this is Exhibit 2, I believe, that starts with -- the first one is a
20 November 23rd e-mail from John Poindexter. He was a former National Security
21 Advisor, right, Mr. Pottinger?

22 A That's right.

23 Q To yourself. Can you just explain what -- in the e-mail, he essentially asks
24 you -- I'll ask you what you think he asks? Well, it's more about support for a bipartisan
25 commission to look into election security issues; is that fair?

1 A I think so, yeah. I had forgotten about this e-mail until you provided it as
2 an exhibit, but I think that's -- but I think that's fair.

3 Q One second?

4 [Audio interruption.]

5 [REDACTED] Okay.

6 [REDACTED] Sorry about the that.

7

BY [REDACTED]

8 Q Okay. Sorry. We're back on the record. Go ahead. It's also attached
9 to -- just so the record is clear, Exhibit 3 is the actual OpEd piece?

10 A Right, right, yeah. I don't really remember the -- you know, this coming in,
11 but I've just glanced at the content of, you know, sort of what they're recommending as a
12 way to strengthen confidence in elections in the future. But, yeah, I don't have much
13 specific memory of that e-mail.

14 Q Sure. My question is, it says -- in the first exhibit, there is, "If you feel that
15 it is a worthy endeavor, please pass this on to appropriate staff." And in the second
16 e-mail, it says that -- Mr. Poindexter says, "It is a national security issue," meaning the
17 election security?

18 Did you share that concern with Mr. Poindexter, and did you take any steps to
19 pass it on to appropriate staff or whatever the NSC could do to deal with this.

20 A Yeah, I don't remember reading it closely enough to have formed an opinion
21 about whether I agreed with -- with any of the specifics of what he wrote about in that
22 draft OpEd, although I -- you know, I think, like anyone, I shared the view that ensuring
23 our elections are both secure, but also credible, that people have faith in our system is a
24 national security issue. It's a fundamental issue for the republic. So I probably would
25 have had sympathy with the general sentiment there.

1 As for passing it on, I saw from your other exhibit that I had asked my assistant, at
2 some point, to forward the e-mail to Tony Dolan. Tony Dolan -- if -- I'm trying to
3 remember what my impetus was for sending it to him. I think it was probably mainly
4 interest in the fact that Admiral Poindexter was a colleague of Tony Dolan's when they
5 both served in the Reagan Administration.

6 So Admiral Poindexter, as you mentioned, had been a National Security Advisor for
7 President Reagan. Tony Dolan, who was working on President Trump's speech writing
8 staff, had also been the chief speech writer for President Reagan. So when I told my
9 assistant to just forward it on to him, it may have simply been related to interest in the
10 fact that they were both Reagan-era colleagues as opposed to any -- asking anybody to do
11 anything about the OpEd.

12 Q So that's my question is, what would have been the expectation that you, as
13 the Deputy Advisor -- Deputy -- in the Deputy position at the NSC, could have done about
14 the election security issues?

15 A Yeah, I don't remember having any -- any expectation or -- or motive in
16 forwarding that e-mail, other than that it was interesting that this was coming from a
17 Reagan-era colleague of Tony's.

18 Q Similarly, it looks like Exhibit 1 is another e-mail about the integrity of the
19 election results from Ken Abramowitz?

20 A Right, right, yes. I --

21 Q Do you remember receiving this e-mail or doing anything about --

22 A I don't recall receiving that one. If I -- I don't recall doing anything about it
23 or even reading it very carefully, just given everything that was on my plate at the time.
24 If I responded to him, I don't remember doing that. And if I did, my guess is it was
25 probably a perfunctory kind of response. Yeah.

1 Q And I think just generally, just to zoom out, during this time period from
2 November 7th obviously until January 6th, there was increasing drum beat about
3 political -- the rhetoric about the election security that you are obviously aware of?

4 Did anybody -- putting aside the e-mails -- reach out to you personally to -- kind of
5 for your assistance to investigate the election fraud results.

6 A No, and certainly not. And the -- you know, the view that we had, that we
7 had secured the election from any significant threats, that we had blunted any significant
8 threats from foreign actors, that would be captured in, you know, the summaries of those
9 Deputy Committee meetings that I conducted.

10 So at no point was I asked to provide material or look into some -- some of the
11 allegations that were being made by the President or by his supporters about, you know,
12 some of the specific conspiracy theories about voting machines and things of nature.
13 Yeah.

14 Q Okay. How about -- obviously, former General Michael Flynn was a big
15 proponent of the claims of election fraud, and even said that martial law should be
16 invoked as well -- the Insurrection Act, in a mid-December statement. Did you ever have
17 any contact with General Flynn about his claims?

18 A No, my last conversation with General Flynn was the day he left office in
19 early 2017. For the remainder of my time in office, we were not in touch.

20 Q I want to ask about some appointments that President Trump made on
21 November 9th -- again, after Joe Biden was declared to President-elect. There was the
22 firing of Secretary Esper, as well as the appointment of Acting Secretary of Defense Chris
23 Miller?

24 Were you familiar with Chris Miller before he became appointed to that position.

25 A Yeah, Chris had -- Chris worked on the National Security Council staff on

1 counterterrorism and did a very good job in that role. He later went to the National
2 Counterterrorism Center, and was in that role for a number of months as the director
3 before President Trump installed him as the Acting Secretary of Defense following the
4 election.

5 Q And he also appointed Kash Patel as the Chief of Staff for the Acting
6 Secretary of Defense. Were you familiar with him?

7 A Yeah, I knew Kash from his work at the NSC, mostly focused on the
8 counterterrorism issues as well. I knew them both.

9 Q Were you surprised by the timing of these appointments?

10 A I was. You know, there was -- you know, I was not -- my opinion wasn't
11 really sought, and nor did I offer it on this particular set of personnel shifts. I think it
12 was driven by the President, personally, and, you know, put into effect by the President
13 and the Chief of Staff -- you know, those shifts in personnel following the election.

14 Q And how do you know it was the wish of the President, personally?

15 A It -- not from anything the President told me, but just from conversations in
16 the West Wing. It was -- it's not the kind of thing that happens without a presidential
17 order, you know, somebody going into the role of Acting Secretary of the Department of
18 Defense. There's no other way but a presidential order for that to happen.

19 Q Were you aware that the firing of Secretary Esper was imminent, essentially?

20 A I think that I had first heard about it following the election, not prior to.
21 And within a day or so of it happening, I caught wind that this was now in the works.

22 Q Did it have any impact on the work that you did or at the NSC, generally, in
23 terms of putting in new leadership at DOD in a time where agencies should be looking
24 towards transitioning?

25 A Well, yeah, I mean, any time you have a shift in leadership,

1 it's -- there's -- it's certainly disruptive. We'd had a lot of that to begin with. Our
2 system is able to handle those kind of shifts.

3 When it came down to my specific work, my direct counterpart was the Deputy
4 National -- pardon me, the Deputy Secretary of Defense Norquist. He remained in place,
5 in fact, all the way through inauguration day. So there was a sense of continuity there.
6 The Undersecretary of Defense for Policy -- there had been a couple of shifts. You
7 know, you had had -- for a couple of years, John Rood was in that role, and then his
8 Deputy was in the acting role, Jim Anderson. And then General Tata. Tony Tata came
9 in at the end. Tony had been working in the Department of Defense for a while already,
10 so he knew the brief. He'd been working in that office. So I did not actually feel
11 from -- at the Deputy's level that it was -- that it generated any problems. There was
12 level-steady flight between myself and Norquist, the Deputy Secretary, and also the shift
13 from Jim to Tony was fairly smooth.

14 Q And didn't Mr. Tata also get a promotion at that time as well?

15 A To be honest, I can't -- I can't remember what the -- I mean, he was in an
16 acting role, so I'm not sure what his title or rank was at the time that he was put into the
17 acting role there. I'm not sure what -- what that entailed -- if there was a promotion
18 involved, other than in an acting capacity.

19 Q Sure. Did you have contact with Ezra Cohen-Watnick in your position?

20 A Yeah, occasionally. Ezra had been working in the -- in an acting capacity as
21 the Undersecretary of Defense for Intelligence. At no point were we discussing
22 election-related matters. There were occasional conversations with him on
23 intelligence-related issues.

24 Q During your time with the NSC, did you have the opportunity to view or have
25 an understanding of the relationship between Mr. Patel and the former President?

1 A You're saying prior to my --

2 Q Just during your time?

3 A My time. The -- when I was serving as Deputy National Security Advisor,
4 the President had requested Kash Patel on a couple of occasions, which was how I
5 learned that there was a, you know, a prior relationship there, or some -- you know, some
6 kind of relationship there.

7 Q So at that time -- the time period you're talking about, Mr. Patel was still in
8 what job -- not at DOD, but at NSC?

9 A At the NSC, when Kash was working on counterterrorism issues, I learned
10 that there were a couple of times that the President had personally requested him. So
11 that -- it was unusual, given that he was at a lower rank, but I -- to my knowledge --

12 Q To yourself, correct? He was of a lower rank to yourself?

13 A Yeah.

14 Q And were those meetings frequent, and were they with others or alone with
15 Mr. Patel and Mr. Trump?

16 A I doubt that they were frequent, although I can't say for sure, but I don't
17 think so. And the National Security Advisor Robert O'Brien would have -- I'm not certain
18 whether he would have had visibility on all of those interactions or not, to be honest. I
19 don't know.

20 Q We're heading into January 6th, so -- but one more topic before. Are you
21 familiar with the November 11th executive order or memorandum that was issued out of
22 the White House ordering the withdrawal of troops from Afghanistan and Somalia?

23 A No. The question of timing -- we knew that the President wanted to get
24 out of Afghanistan. The question of the timing of how and when to get out was a
25 perennial debate over the course of the entirety of the administration. It was not a -- it

1 was not -- remember, I told you that an enormous amount of policy was adjudicated at
2 the Deputy's level. One of the exceptions to that was Afghan policy. I did not chair
3 any Deputy Committee meetings on Afghanistan. They were all handled at a principals
4 level by the President and, you know, select cabinet members. So I did not have
5 visibility into that -- into that memo.

6 Q Did you ever learn --

7 Mr. Bellinger. It's John Bellinger. Just for clarification, you are referring
8 to -- when you say the memorandum -- that memorandum that was, I think, reprinted
9 and the Bob Woodward book that you sent to me and I shared with --

10 [REDACTED] Right. And it's not the actual memo. I just wanted to know
11 if Mr. Pottinger had any insight into this incident, where a memorandum came from the
12 White House to the Department of Defense through Kash Patel to General Milley on
13 November 11th -- what's been described as a two-sentence order.

14 And then at that point, General Milley, along with Secretary Miller, went to the
15 White House and had an exchange with Mr. O'Brien who indicated that it had not gone
16 through any type of normal process.

17 BY [REDACTED]:

18 Q Are you aware of that incident, generally?

19 A I don't remember the written document. I do remember a period where
20 there was discussion about whether we -- whether the President was going to instruct the
21 removal of our troops before the end of his term in office or later. I do remember
22 hubbub, you know, around that, but I don't remember anything related to a specific --

23 Q Okay. And putting aside kind of the content of that order, was there -- did
24 you ever have a discussion with Mr. O'Brien about an order -- in quotes -- that had not
25 gone through the process within the NSC or within the DOD?

1 A It's possible. I don't remember the specifics.

2 Q Okay?

3 A Yeah.

4 [REDACTED] Any questions before I go into January 6th.

5 [REDACTED] No.

6 [REDACTED] Okay. I don't see anyone coming off camera.

7

BY [REDACTED]

8 Q Okay. So, Mr. Pottinger, I want to start with kind of the lead up to
9 January 6th. Again, I know your focus was on the foreign intelligence from the IC
10 community, but I'm wondering if you had any visibility about any of the threat landscape
11 domestically, particularly about the January 6th rally, prior to the event itself?

12 A The short answer is no. The events of that day came as -- as a surprise, to
13 put it mildly. And I think that that was the case for certainly others at the National
14 Security Council staff. I know that was the case that the National Security Advisor was
15 blind-sided by those events.

16 The, you know, risks of domestic disturbance that don't have a foreign nexus are
17 not the natural purview of the National Security Council staff. That said, there are ways
18 for the White House to be alerted to threats of, you know, of a purely domestic nature.
19 For example, the general counsel's office interacts with the Department of Justice. The
20 Department of Justice had the lead on sort of the events leading up to
21 securing -- keeping -- making sure the Capitol was secure in the lead up to the 6th of
22 January.

23 So if there had been specific threats, my expectation is that they would have would been
24 communicated by the FBI and the Department of Justice to the general counsel's office in
25 the White House, and probably to the Chief of Staff's office, just in light of fact that the

1 Chief of Staff is in interface with the Secret Service. The Secret Service would always
2 want to know about any -- any kind of violent threat in the Capitol. But that interface
3 does not take place between the DOJ and the NSC directly. It would have been through
4 general counsel's office, and perhaps the Chief of Staff's office.

5 And so there were -- nothing was flagged in my intelligence briefing, you know, that
6 morning or in the days -- in the run up that suggested anything like what happened was
7 going to happen with the riots, the attack on the Capitol, and so forth.

8 Q And I think my colleague was asking about kind of the domestic intelligence
9 portion of NSC. It sounds like there was -- it's a separate entity; is that fair?

10 A Well, for reasons going back to the abuses of the '60s and the '70s, there's a
11 very bright line drawn between what our intelligence apparatus is collecting, and, of
12 course, the rights of U.S. persons -- citizens and others who have that status -- legal status
13 as U.S. persons. So they should not be collecting intelligence -- the NSA or the CIA or
14 others -- on the activities of American protesters, unless there's some kind of a foreign
15 nexus, some kind of a foreign threat.

16 Now, there is a -- there is a -- pardon me, a regular meeting, really -- really a
17 conference call, that takes place between some of the domestic-facing agencies, including
18 the FBI, DOJ, and certainly DHS as well as the Department of Defense. There is a regular
19 call that NSC staff participate in, listen in on, where they discuss threats, terror-type
20 threats -- you know, threats to the homeland.

21 And if -- if there had been something raised in that regular call, my staff would have
22 alerted me to that. In other words, if FBI or DOJ had warned on that -- more -- I think
23 it's a daily call about, you know, terror threats and the like -- my staff would have heard
24 that and they would have alerted me. I didn't get such an alert, and I'm pretty much
25 confident there was no such warning, not because anyone failed to convey it to me.

1 Q And I appreciate you going through kind of the formal information that you
2 received. How about you, just as Matt Pottinger, former journalist?

3 A Yeah.

4 Q Did you have any concerns going into January 6th?

5 A Yeah. I mean, I do remember specifically having concerns about the
6 possibility of -- of competing protesters, competing camps of protesters clashing in the
7 capital that day, given that there's -- you know, the President had convened a rally and
8 emotions were running high. You know, we're now just two weeks out to inauguration
9 day. We don't have a concession. We have a rally asserting that the election had been
10 stolen. I did have, personally, concern that there might be clashes between different
11 camps of protesters. I did not foresee an organized assault on the Capitol by supporters
12 of the President.

13 Q Were you --

14 Mr. Bellinger. Could I just jump in.

15  Sure.

16 Mr. Bellinger. Matt, just a minute ago -- about six sentences ago, you said you
17 were worried about a possible clash in the capital. I think you may have meant --

18 Mr. Pottinger. I meant capital with an "A," meaning the City of Washington, D.C.,
19 not the Capitol with an "O," the seat of our democracy. So the Capitol was not, in my
20 mind, even likely to be the center of the action. I was more concerned about activity
21 around the White House, to be honest, since, quite frankly, we'd gotten used to pretty
22 sporty, and in some cases, violent protests close to the White House over the course of
23 2020.

24 My -- like you said, reporter's intuition was there that could be clashes, but that those
25 would be as likely to take place somewhere as close to the White House as anywhere

1 else.

2

BY [REDACTED]

3

Q And you mentioned some of these other lead up events, including the President not conceding, and obviously, there was increased tweets and rhetoric coming about a stolen election. Did that impact kind of your view of what could occur, being that January 6th would be a significant day for the joint session to certify of the election results?

8

A Yeah, I mean, that -- that rhetoric had been continuing for -- for weeks at that point. And so I viewed it as more of -- more of the same more than some significant new turn in events. And that I -- it really came -- it really came as quite a shock. My day was not planned around anything like what ended up playing out that day.

13

[REDACTED] Can you just give us a couple of minutes, Mr. Pottinger?
We're going to take a break and resume in a few minutes.

15

Mr. Pottinger. Yeah.

16

[REDACTED] Yeah, let's go off the record.

17

[Discussion off the record.]

18

BY [REDACTED]

19

Q Mr. Pottinger, we're going to start with the day of January 6th, but I wanted to start with Exhibits 4 and 5, if you have those. This was an e-mail on Tuesday, January 5th, at 8:00 p.m., from the staff secretary, of the draft -- I see you're nodding along -- of the draft, State of America POTUS Remarks?

23

A I see them.

24

Q Was this an e-mail that you remember receiving, and then reading the remarks?

25

1 A So I -- you know, it's typical for any speech, not all of them, but most of the
2 speeches -- prepared speeches by the President would be circulated in
3 advance -- sometimes just hours before -- to commissioned officers to review. I would
4 always review policy speeches that were on foreign policy. If a speech was -- a
5 campaign speech or a rally speech, like this one, more often than not, I would not read
6 them. And if I did, it was usually to scan for substantive errors with the respect to
7 foreign policy or foreign affairs.

8 I do recall this speech being circulated, but I don't recall actually paying it very
9 close attention.

10 Q So do you remember offering any edits or comments for this particular
11 speech?

12 A I don't recall having done so. I honestly don't remember. As I was looking
13 through this speech, when you provided it as an exhibit, a lot of the language looked new
14 to me, but -- but it is possible that I scanned it the morning of, but that's not my
15 recollection, though.

16 Q And as you said, it didn't necessarily touch on any national security concerns,
17 at least foreign threats, in that particular speech?

18 A Yeah, yeah, right.

19 Q When you say commissioned officers, if you take a look at that distribution
20 list, can you just explain kind of what the next -- the third line is with all those folks on
21 that list?

22 A Yeah, so you've got the Chief of Staff's office, the spokeswoman, several
23 other people from the Chief of Staff's office. You've got some of the members from the
24 general counsel's staff. You've got senior advisors to the President -- Ivanka Trump,
25 Jared Kushner. Everyone who's on there is a -- I think -- what you would call a

1 commissioned officer, meaning a high-level appointee to the White House as opposed to,
2 for example, the National Security Council staff is made up of a lot of people who are on
3 loan as detailees from their career jobs at the State Department or the CIA or the
4 Treasury.

5 People who are on detail would not be on a -- copied on a speech like this,
6 particularly because it's a political speech. It's of a political nature, and -- and so it
7 would be limited to people who are politically appointed into the administration.

8 Q So you were on this list, but Mr. O'Brien, I don't think, is on this list, right?

9 A Yeah, it's possible that -- yeah, I don't see his name on there. Yeah, I'm not
10 sure why some are on and some are not. I don't see the rhyme or reason for that. It
11 may be that I'm on there because just I'm, you know, usually at my desk and -- and
12 responsive. But you're right, I don't see Ambassador O'Brien's name on there.

13 Q Okay. And that brings us to the day of January 6th. Are you stating that
14 Mr. O'Brien was not in D.C. that day?

15 A That's correct. Ambassador O'Brien had flown down to Florida to make a
16 visit to our Southern Command headquarters. He was being briefed on the, you know,
17 national security issues related to the Caribbean, Latin America, drug interdiction, things
18 of that nature.

19 Q So if you could just start with your day on January 6th, what time you arrived
20 to the office and your meetings and -- as a narrative, and then we can start there?

21 A Sure. So I -- I came to the White House in the morning, I don't remember
22 exactly what time. It was probably around 8:00 o'clock that I would have arrived.

23 Q And I'm sorry. And your office -- I don't think I asked you before -- where
24 exactly is it located?

25 A So the Deputy National Security Advisor sits in an office next to the National

1 Security Advisor's office. They're all -- it's part of the same suite of offices in the corner
2 of the first floor of the West Wing. So the northwest corner of the West Wing is the
3 National Security Advisor and the Deputy National Security Advisor's office is -- along with
4 the Chief of Staff to the National Security Advisor, and then a few aides handling
5 scheduling and -- and things of that nature.

6 So I would have come in that morning, probably around 8:00 o'clock. I -- I
7 remember working that morning. There was a couple of things that I was working on.
8 One of them was a statement related to, basically, putting out an official statement
9 condemning the actions by the People's Republic of China, and their puppet government
10 in Hong Kong. They had just arrested 50 Hong Kong citizens, I think it was the day prior,
11 and threw them in the clink for -- for free speech, and the democracy issues. So we -- I
12 was presented with a draft by my staff, and I spent a fair amount of time editing that
13 document.

14 I remember working as well on sort of receiving a newly, freshly declassified copy of our
15 Indo-Pacific Strategic Framework, which was the Asia strategy that our administration had
16 followed for the four years that we were in office. That document had been -- had gone
17 through a multi-week process of declassification with some redactions. And the
18 President had approved that declassification, I think, just the day prior, had finalized that.
19 So I was familiarizing myself with the new declassified redacted copy of that document,
20 so that I could brief that document to the Indian ambassador to the United States that
21 day.

22 As a courtesy to our allies who were mentioned throughout that document, I made sure
23 that my staff had contacted those governments just to give them a heads up that this
24 document was going to be made public, and their countries would be mentioned in this
25 document and to give them a rough sense of the context in which their countries would

1 be mentioned.

2 I elected to personally brief the Indian government on that, and that was my next
3 meeting of the day, which was -- one of my staff and I drove out -- were driven out to
4 have lunch with the Indian ambassador and his staff. And so over that lunch, I briefed
5 him on this Indo-Pacific Strategic Framework.

6 Q And was that at the ambassador's residence, then?

7 A That's right. I believe it was not at the embassy proper, but at his
8 residence, which is technically part of the embassy. That's right.

9 Q Do you remember the timing of that meeting and then --

10 A Yeah, I remember we were running a little bit late, but I don't have my
11 calendar. But it was probably around the 12:30, and we might have been a bit late. It
12 might have been closer to 1:00 o'clock or something like that -- 12:45.

13 Q So when you left -- when you left the White House around that 12:30, 12:45
14 timeframe, who was present within the office that you saw, other than NSC staff?

15 A Oh, you mean present in the --

16 Q In the White House, before you left?

17 A Yeah. So as I left the suite, the TV was on overhead, and I recall seeing
18 news headlines about the results of the Georgia election. And I recall seeing images
19 from the Ellipse where President Trump was either beginning to speak or -- I can't recall
20 seeing whether he was already speaking or whether it was others who were speaking at
21 this rally. But it's -- probably he was speaking. And my staff -- I still had staff in the
22 suite, you know. I -- I didn't interact with other senior staff on my way down to the car
23 to go to the Indian embassy.

24 Q So that morning, from 8:00 to 12:30, you didn't see any other -- any other
25 White House staff?

1 A It was mostly just my -- my direct staff. I think I read the -- my intelligence
2 briefing for that morning. I was presented with a lot of paperwork that I was working
3 through. I don't recall leaving my office that morning before heading to the Indian
4 embassy.

5 Q Okay. And just for the -- kind of the time guidepost, Mr. Trump's speech
6 began at noon and ended around 1:10?

7 A Okay.

8 Q What -- do you have a sense of what time you arrived back to the White
9 House?

10 A Yeah, the thing I remember most was that people traveling in the vehicle
11 with me, as we were arriving back at the White House, their cell phones rang with an
12 alert -- a wireless alert. And that alert was an announcement of a curfew that was being
13 imposed by the Mayor of Washington, D.C. And if I remember correctly, that -- that
14 wireless note was announcing a 6:00 p.m. curfew. So that -- that was -- I recall that
15 alerted me that something -- something bad was -- may well be happening.

16 I used one of my staffer's phones to call my direct aide just to get a quick update.
17 He told me I needed to get back to the suite quickly because of developments that he was
18 watching on the TV -- the developments on the news.

19 Q And just on the way to the ambassador's residence and on the way back, did
20 you observe any crowds or observe anything --

21 A There was -- there was traffic. It was a bit slow because of nearby
22 demonstrations, but I don't recall seeing any -- anything chaotic. But, yeah, things -- it
23 was not easy to get in and out of the White House compound, just because some of
24 the -- if I remember correctly -- some of the roads may have been closed. And I do
25 remember seeing demonstrators walking back and forth.

1 Q So again, as a kind of guidepost, the mayor issued the curfew at 2:30 on the
2 afternoon of January 6th. Did you arrive to the White House around that time?

3 A I think that that is very close to the time that I arrived, right around 2:30.

4 Q And who was present? What did you do upon your arrival back to the
5 White House?

6 A I went straight up from the basement level, up the steps to my office, came
7 in and asked my aide, who was at his desk, to brief me on what was going on. We
8 turned to the television, and it was clear that things were turning violent. I don't think
9 that -- that people had -- it wasn't clear whether people had actually, at that point, made
10 it into to the Capitol Building, but you could see that the barricades -- metal barricades
11 were falling, people were jostling, the scenes were of evident chaos unfolding around the
12 Capitol Building at that moment.

13 Q Did you become aware of any tweets that the President had put out?

14 A Yes, I -- one of my -- you know, as I was watching developments and listening
15 to the reporting on cable television, one of my staff brought me a print out of a tweet by
16 the President. And the tweet said something to the effect that Mike Pence, the Vice
17 President, didn't have the courage to do what he -- what should have been done. I read
18 that tweet, and made a decision at that moment to resign. That's where I knew that I
19 was leaving that day, once I read that tweet.

20 Q So I just want to go through that moment by moment, but it sounds like you
21 got back to the White House around the 2:30 timeframe. The tweet that you're
22 mentioning is at 2:24. And for the record, I just want to read it in its entirety. It says,
23 "Mike Pence didn't have the courage to do what should have been done to protect our
24 Country and our Constitution, giving States the chance to certify a corrected set of facts,
25 not the fraudulent or inaccurate ones, which they were asked to previously certify. USA

1 demands the truth!"

2 And I think we're putting that up on the screen.

3 A Okay.

4 Q And you say at that moment, you decided to resign, which I want to talk
5 about, but were you aware of the tweet 14 minutes later, at 2:38, which states, "Please
6 support our Capitol Police and Law Enforcement. They are truly on the side of our
7 Country. Stay Peaceful"?

8 A I remember seeing that tweet, although it may not have been
9 contemporaneous.

10 Q Okay?

11 A I may have seen that a little bit later in the afternoon. Yeah, but -- you
12 know, yeah.

13 Q So, Mr. Pottinger, what in that moment from seeing that 2:24 tweet made
14 you -- triggered that decision that you made?

15 A Yeah, it looked to me as though the President was adding fuel to a fire.
16 That the -- the attack -- I mean, let's face it. What it was, was an attack on the Vice
17 President -- was, you know, at a moment where it was evident from watching TV that
18 things were turning violent. That suggested to me that -- that the President was -- was
19 doing the opposite of what I would have hoped he would be doing at that moment, which
20 is trying to deescalate the situation. And that tweet struck my eyes as fuel on the fire.

21 So I resolved that I didn't want to be associated with the violence that was -- that I
22 was watching at the same time in the images coming across the TV screen.

23 Q Had you thought about resigning prior to that event on January 6th?

24 A Yeah, I think -- I mean, I have to assume that any honest official would. You
25 know, at various points in public service, you always have to be ready to resign. There

1 were -- there were times over the course of my time at the White House that I considered
2 resigning really over policy issues, you know, policy battles.

3 You know, there were times that I thought that policy might go in a very different
4 direction from the one that I believed the President campaigned on or that I had signed
5 up to help effectuate, but usually things came back to the general thrust of those
6 strategies that I described earlier, you know, on our call today.

7 But I had had -- also had considered resigning before the election. I had -- I had actually
8 made it -- I had determined that I was going to leave public service irrespective of the
9 outcome of the election, really not in protest, but because I'd given four years of my life
10 and my family had sacrificed four years for me to do some pretty grueling jobs in service
11 of the country. So I was determined that I would leave.

12 Originally, I planned to leave on election day -- you know, really to get us to the election,
13 and then -- and then to leave, irrespective of the outcome. And I made plans for that.
14 I bought a home for the first time, and moved my family out of Washington about, you
15 know, a couple of weeks before the election. I moved my family to Utah, and I then
16 ended up moving and staying with friends.

17 And the -- Robert O'Brien had asked me whether I would stay on for the transition,
18 irrespective of the outcome, so that I could help effectuate a transition to a second
19 Trump term or to a Biden Administration, and I agreed to do that, and to stay on past the
20 election, which was not my original plan. But I understood that it was important to have
21 continuity and leadership in place for that vulnerable period, so I did agree to stay on.

22 Q Prior to January 6th, do you remember hearing the call between President
23 Trump and Brad Raffensperger?

24 A Yeah, yeah, I did. I heard the recording of that call on a news website the
25 Sunday prior to the 6th of January. In fact, I had just gone home to see my family in

1 Utah and had just flown back when I heard that recording. And that -- I felt like
2 resigning when I heard that.

3 Q Why is that?

4 A Yeah, I thought it was wholly inappropriate for any -- any sitting official to
5 call election officials and to argue for them to reverse the outcome of an election and of a
6 due process in the -- in that state or in that jurisdiction. So it was a -- I thought it was
7 entirely inappropriate.

8 Q Did you see it as a violation of President Trump's -- President Trump's oath
9 to the office?

10 A Well, without the full context of everything that was on there, but from what
11 I heard, you know, it was unseemly and was not in keeping with -- with responsible
12 governance. You know, we are a rule of law society, not a rule by man society, thank
13 God.

14 And it appeared to me that while the President certainly was within his right to
15 contest the outcome of various elections and did challenge the outcomes -- he and his
16 supporters filed more than 60 court cases around the country. To my knowledge, every
17 single one of those court cases, either -- either in the original filing or in appeal, upheld
18 election results that were adjudicated by election officials, like the Georgia Secretary of
19 State.

20 So at that point, one's opinion about whether the election was accurate or not become
21 immaterial once you've had due process. And it was clear that due process had already
22 played out in at least 60 courtrooms around the country, some of which were presided
23 over by judges that the President himself had appointed.

24 So it comes down to a matter of the Constitution. It comes down to a matter law, not a
25 matter of opinion. And let's face it, fraud does occur in elections. We know that that's

1 true, but -- but due process is what allows the republic to move forward, irrespective of
2 what one candidate or another might believe the outcome of that election was. Due
3 process. And it was clear -- it looked to me that that call was an effort to circumvent
4 due process.

5 Q So, again, it sounds like you flew back on January 3rd, which was the Sunday,
6 back to D.C. from Utah. And that call with Mr. Raffensperger was leaked that same day,
7 or obtained by the Washington Post?

8 So I wondering how this impacted you going into the 6th. Was that at top of
9 mind or the back drop as you made that decision upon seeing the particular 2:24 tweet.

10 A Yeah, I mean, now -- I mean, now that you mention it, and when I think
11 about it, it was certainly something that had been at top of mind as I came back to work
12 that Monday morning. I was very much focused on those final two weeks, getting us to
13 inauguration day, completing the already substantive engagement that we had, by that
14 point, with the Biden Administration -- or the Biden transition team to provide them with
15 what, I thought, their national security team needed to have, in order to succeed in
16 continuing -- you know, continuity of government and continuity of our national security.

17 So I was very, very much focused on trying to sprint to the finish line, but I was -- I
18 was -- there's no question that I was quite troubled by the call that I had heard the
19 recording of on Sunday night.

20 Q So I want to go back to the 2:30 timeframe. You read the text. Now, at
21 that point, you made the decision that you want to resign, but you don't walk out of the
22 White House at that moment?

23 A No.

24 Q Right?

25 A No, no, no. No, what I -- I walked into my office and shut the door and

1 began planning for how to depart in a way that is responsible. I was very acutely aware
2 of the fact that the National Security Advisor was not in Washington at that moment. I
3 was also mindful of the fact that we were monitoring the same threats that we'd been
4 dealing with over the course of the administration, and predating the administration,
5 namely Iran, which had only a couple of weeks earlier had attacked our embassy in
6 Baghdad with rocket strikes through proxies, but it was really an Iranian attack using
7 Iranian missiles -- or rockets. I was mindful of the fact that the People's Republic of
8 China has and continues to have designs on Taiwan, which they may resort to using force
9 to annex Taiwan.

10 So these were the sorts of things that were front and center in my mind. And so
11 my -- I began just organizing my thoughts to ensure that the NSC would continue to
12 function and remain more or less fully staffed by the time I walked out, and to make sure
13 that Robert O'Brien was fully aware of my -- of my decision, and -- and then there were
14 personal matters of getting all of my records, many of which are classified, into properly
15 annotated and sealed boxes to be shipped off to the National Archives.

16 Q So just so I'm clear --

17 A Yeah.

18 Q Mr. Pottinger, so you're starting that process in the 2:30 timeframe, pretty
19 much sounds like you close your office and you start?

20 A Close to 3:00 p.m., probably at that point, sometime between -- yeah, 2:45
21 and 3:00. Mm-hmm.

22 Q The decision you had made in your head at that moment, did you convey it
23 to anybody in that timeframe?

24 A I probably called -- I remember calling my wife. I just don't remember
25 exactly when it was, but it was probably in that moment. She was the first person I told.

1 The second person I told was Robert O'Brien, but I was not able to reach him
2 immediately. He was in a -- he was receiving a briefing in a SCIF, but I left a message for
3 him to call back, and then I began getting organized.

4 I -- I left my office to go retrieve my personal phone, which is my cell phone, which
5 we don't bring personal phones -- any kind of cell phone into the National Security
6 Council offices or into that suite for security reasons.

7 So I had to go downstairs to a locker where that phone was, and retrieve that phone,
8 turned it on. And that's when I became aware -- in fact, one of the -- the only thing I
9 remember seeing was a text message from my predecessor in the job. My predecessor
10 was Charles Kupperman. He was the Acting National Security Advisor for a brief
11 period before Robert O'Brien was sworn in, and he had been the Deputy National Security
12 Advisor prior to that. He had written me a note that alerted me that the mayor of
13 Washington, D.C. had requested National Guard troops to be deployed to secure the
14 Capitol, and that the White House was holding that up.

15 So I -- if I remember correctly, I think I called him right then and there on that phone, and
16 reached him. And frankly, I don't -- I don't remember him explaining to me how he had
17 come by that information. In retrospect, it occurred me that it may have just been from
18 news reporting as opposed to something proprietary that he knew.

19 But nonetheless, after he told me that, I put the phone back in a box, and went to the
20 Chief of Staff's office. So this would have been sometime in the 3:00 p.m. hour, but I
21 don't remember exactly when. It may have been 3:15, something like that. I'm pretty
22 confident it was in the 3:00 p.m. hour. I'm just -- not -- not precise as to exactly when
23 that was.

24 Q It's around that timeframe when there was the tremendous amount of
25 confusion as to whether the National Guard was responding, so --

1 A Yeah, and I waded -- I waded right into that confusion, so --

2 Q And what happened once you got to Mr. Meadows' office?

3 A So I walked to his office. His staff alerted me that he was in the Oval Office.

4 So I walked down the hall to the -- what we call the outer Oval -- that is suite of
5 administration offices just north of -- connected to the Oval Office -- and came in there to
6 look for the Chief of Staff, and there were a few people there. The television was on.

7 I remember encountering our general counsel -- or the president's counsel, Pat
8 Cipollone, and telling him that the -- I had learned that the -- that the National Guard was
9 being held up for some reason by the White House. He was concerned to hear this, and
10 said, has -- does the Chief know? I said, I'm looking for him now, and Pat walked into
11 the Oval.

12 I followed. And neither -- no one was in the Oval Office. The President and the Chief
13 were not there. But there is a hallway leading from the Oval Office to the President's
14 dining room. Pat went ahead into that hallway. I paused in the middle of the Oval
15 Office, and Pat and the Chief emerged from that hallway. And I can't remember if there
16 were any others. Keith Kellogg may have -- I think Keith Kellogg was there, although he
17 may have come in a moment later. I don't remember the sequence.

18 But what I remember is that the Chief of Staff was very agitated upon hearing that the
19 White House was holding up the National Guard, and he was saying -- agitated in a loud
20 voice -- something to the effect of, I've told them ten times, get the Guard moving. Get
21 them over there. How many times do I need to tell them?

22 And the "them" that he was referring to -- it became clear to me -- was the Pentagon. It
23 was not any White House staff, and -- and it then became clear to me that there was
24 already a conversation that I was unaware of underway between the Chief of Staff and
25 the Pentagon. And I then established that -- I think I asked the Chief whether he was in

1 touch with the Acting Secretary of State or his Chief of Staff. And he said yes. I can't
2 remember if he said specifically who he was in touch with -- if it was Kash Patel or Chris
3 Miller.

4 But upon establishing that he was already in touch with them, he left the Oval Office to
5 go down the parallel hallway back to his office. And I joined him. I caught up and
6 walked with him down the hallway accompanying him to his office, and said two things.
7 One was, "Chief, I think -- I think that the information that I was giving you, clearly, is out
8 of date because you're already in touch with the -- with the Pentagon."
9 And he -- and he understood this as well. That was -- his body language settled down
10 and he said, it's fine, that's right. And I recall asking something to the effect of, is the
11 President going to make a statement? And I don't remember exactly what the Chief
12 said, but it was something that I interpreted that as an affirmative, that some kind of
13 statement was forthcoming. And I said, thank god. I then said, "Chief, I'm going to go
14 back to my office. I'll be there if you need me." And he went into his office. I head
15 down the hall to mine. That was the last time I saw the Chief.

16 Q Okay. Let me go back a little bit to when you first get this message from
17 Mr. Kupperman; is that --

18 A Yeah, that's right.

19 Q And then go towards the Oval. So when you get to the Oval Office -- outer
20 Oval Office area, you said you saw Pat Cipollone. And did you see also Pat Philbin at
21 that time?

22 A I remember seeing Pat Philbin there. I remember interacting with Keith
23 Kellogg, but I can't remember if that was in the Oval or if it was in the outer Oval. Dan
24 Scavino may have been there in his -- Dan Scavino's office is in that suite of offices. I
25 don't remember having any substantive conversation --

1 Q It sounds like -- just so the record is clear, you followed Pat Cipollone
2 towards the Oval Office, and no one is there. Then you said you paused, and Pat
3 Cipollone headed towards the dining room area where your understanding was where
4 the President and Mr. Meadows were?

5 A Yeah, my assumption was that the President was back there, too, but I did
6 not actually speak to the President or see him at all that day.

7 Q Is there a reason why you didn't follow in the dining room area?

8 A I can't remember if he said, hold on a minute. I'll get -- let me get the
9 Chief, or if it just looked crowded. You know, it's a narrow hallway, and that he -- my
10 understanding was that he was going to retrieve the Chief of Staff. And so I did -- I do
11 recall waiting for a moment in the Oval.

12 Q And what was -- before we get into the conversation with Mr. Meadows, but
13 what was the demeanor of the people you remember seeing, whether it's Mr. Cipollone
14 or Mr. Philbin or Mr. Scavino at that time?

15 A Yeah, it felt, to me -- unless I was projecting -- that everyone was under
16 immense stress. We were watching the images in that suite of offices, just like in my
17 own, where there were televisions in both places. The images were going from bad to
18 worse. By this time, I think, you know, glass was broken, and I can't recall whether we
19 had gotten reports yet of people being killed, but it was obvious that things were quite
20 violent.

21 I remember seeing an image around that time of what looked like plain-clothed
22 security officers with their pistols drawn inside of one of the chambers of the -- of the
23 Congress with their weapons pointing towards broken windows on a door. That's an
24 image I recall, although I don't remember the precise timing of that. But that's one that
25 stayed with me. So the mood was one of -- of anxiety.

1 Q So when Mr. Meadows comes back out from the dining room area with
2 Mr. Cipollone, it sounds like he's -- I'll use the word "animated" about the National
3 Guard's arrival. Is that fair to say?

4 A That's fair, yeah. Again, the phrase was something to the effect of,
5 I've -- I've told them ten times, or how many times do I need to tell them, send the guard.
6 It was something to that effect.

7 Q Did he ask you to call anyone at the DOD?

8 A I don't think -- it's possible that he said in that moment tell them to send
9 them, and that -- and in that moment, it became clear to me that he had
10 already -- already done that, at least, you know, more than once.

11 And once I had established that -- that he had already been in contact with the
12 Department, I did not believe that I was under instructions to make any further calls.
13 It's possible that I did. I honestly don't remember. I have a vague memory of trying to
14 call the Chief of Staff of the Pentagon's office just to make sure that things were moving.
15 But I don't actually remember if -- any conversation. But I was very much under the
16 impression that I had brought late information that had been overcome by events,
17 and -- yep.

18 Q And the conversation you had with him, where you give him those two
19 pieces of information, saying that you must have had outdated information about the
20 Guard, and that -- the second piece about, is the President going to make a statement, at
21 that time, were you -- it sounds like you were aware of the 2:38 tweet about, "Please
22 support our Capitol Police and Law Enforcement?"

23 A Probably, probably, yes.

24 Q Did you feel that that was -- that an additional statement was necessary
25 from the President?

1 A Absolutely, unquestionably. You know, a tweet calling for people to be
2 peaceful is welcome, but at this point, glass is broken. You -- I think at this point, there
3 were Members of Congress whose phone calls were being channelled live over cable
4 TV -- Republicans and Democrats alike, calling in fear and calling on the President to call
5 off the demonstrators and the rioters.

6 Remember -- you know, most of the demonstrators were peaceful that day, but
7 there were at least hundreds. You'll know better than me how many people were
8 engaged in violence. But it was obvious that the situation was violent, out of hand, and
9 that there were public calls for the President to make a very unequivocal statement
10 calling for people to leave the Capitol.

11 Q I want to draw your attention to the 3:13 tweet, which I don't think we've
12 read into the record in its entirety. It says, "I'm asking for everyone at the U.S. Capitol to
13 remain peaceful. No violence! Remember, WE are the party of Law & Order - respect
14 the Law and our great men and women in Blue. Thank you?"

15 A Right.

16 Q Now, same question, did you feel that this was a forceful enough statement
17 by the President?

18 A Yeah, I don't remember exactly when I saw that tweet. My guess is that I
19 was encouraged that this was a sign of moving in the right direction, but that it remained
20 wholly inadequate to -- given the urgency of the crisis.

21 Q Do you think -- and I know it's looking back now on the timeframe -- when
22 Mr. Meadows said that Mr. Trump would be issuing a statement, do you believe it was
23 after this 3:13 tweet that he was talking about this statement or --

24 A I was -- I don't remember exactly. My impression was that it was -- that is
25 not what he was referring to, but something -- you know, maybe a videotaped statement

1 or something of that nature.

2 Q Yeah?

3 A That was my impression -- that we were past that tweet at that point.

4 Q Got it. And again, you said this was wholly inadequate in terms of telling
5 the rioters to go home, correct?

6 A That's right, yeah. I, you know -- you know, at that point, lives were in
7 danger, and we needed to see a very clear unequivocal statement from the President
8 telling his supporters and people who were acting violently to stop, to leave the grounds
9 of the Capitol.

10 Q And that obviously wasn't conveyed in those two tweets that we just
11 discussed, but did you learn about the location of the Vice President during this time?

12 A I -- right around that timeframe, I approached -- it may have been right after
13 I spoke with the Chief of Staff, that I had a conversation with the Deputy Chief of Staff
14 across the hall, Tony Ornato. Tony had been the President's -- the head of the
15 President's Secret Service detail before becoming Deputy Chief of Staff of the White
16 House. So he had knowledge and awareness and responsibility for the President's
17 personal security and the security of the White House.

18 I do recall having probably two conversations with him, one right there to ask
19 whether the Vice President was safe. He assured me that -- that the Vice President was
20 safe. And then he came to my office a little bit later -- I don't remember how much
21 later -- to give me an update on the deployment of law enforcement to go secure the
22 Capitol.

23 He gave me some statistics on basically who was moving from which police departments,
24 state troopers from some of the surrounding states, the National Guard as well. He
25 came and gave me an update on basically the mobilization, and who was moving from

1 where to where they were. And gave me what he knew of sort a damage assessment
2 inside the Capitol.

3 Q And did you get that, the kind of briefing update from Mr. Ornato, while in
4 the outer Oval or once you were back in your West Wing office?

5 A I can't remember. Well, I do remember him coming to my office after the
6 conversation that I'd had with the Chief of Staff, where he gave those updates. The
7 initial conversation may have been both in that outer Oval, as well as in his office, but it's
8 a bit hazy.

9 Q And I just want to go back to the conversation, again, with Mr. Meadows.
10 Did he -- did Mr. Meadows indicate who at DOD he had spoken, in terms of I had -- when
11 he mentions, I've told them repeatedly? I know you said the "them," but did he
12 mention a name at all?

13 A I remember Kash's name coming up, but I can't remember if that was -- that
14 he said he had spoken the Kash. I believe he'd said he had spoken to Kash in one of his
15 comments to me. He had said I spoke to "them." And at one point, I believe he said
16 that he had spoken to Kash Patel, the Chief of Staff. I can't recall specifically who else, if
17 anyone else, he said that he had spoken to, but I was under the impression that the
18 Pentagon leadership was very much in touch with him.

19 Q Were you in touch with anyone at the Pentagon?

20 A Not that -- not before that. And if there was a call afterwards, it's hazy to
21 me. I don't -- I certainly don't remember anything that would have been materially
22 important at that point. In other words, it all was overcome by events at point. What
23 orders had been given had already been received, any mobilization had taken place, had
24 already been authorized or commanded. But I did not speak to people at the Pentagon
25 earlier, that I recall.

1 Q I just want to read to clarify -- to clarify. Obviously, there's been public
2 reporting about this time period. This is an excerpt from Peril, where it states,
3 "Pottinger, who was in touch with contacts at the Pentagon and its related agencies, said
4 Miller" -- meaning Acting SECDEF Miller -- "was wary of aggressively using the Guard to
5 put down the riot. It seemed too militarized to Miller, too in your face. Meadows did
6 not want to hear the excuse. I told him to get the Guard moving, get out there, and get
7 it done. Meadows said he told Mr. Pottinger to call Miller and push him?"

8 Does any --

9 A Yeah, I --

10 Q Yeah, go ahead?

11 A Yeah, I didn't speak to Bob Woodward to -- for that book, and was unaware
12 of that reporting until it was already published. My guess is that someone else who was
13 in that meeting, perhaps General Kellogg, maybe Chief Meadows himself -- although I
14 don't know. But I think it's more likely that someone who would have just come into
15 that conversation after it began and was a little bit confused about exactly what was
16 transpiring --

17 Q Sure?

18 A -- what was being presented. I think that it's -- that is not quite fully
19 accurate, the account that you just gave. I had not talked to -- I had talked to Chris
20 Miller. I couldn't have represented Chris Miller's point of view about, for example, you
21 know, allegedly being wary about sending in the Guard, because I don't know what his
22 view was at that point. I had not communicated with him about the -- about the
23 situation, so --

24 Q No, I appreciate that clarification, of course, and it's clear you didn't talk to
25 Chris Miller that day during the course of the attack?

1 A No.

2 Q Okay. And just going back, again, when you said that your response to
3 Mr. Meadows when he said another statement is coming, and you said, thank God. Did
4 it appear to you that Mr. Meadows also shared your view that there is, indeed, need for
5 another statement to be issued by the President?

6 A I can't speak for the Chief. I think that was my impression, but -- but I don't
7 want to project on to him. That was my impression, was that there was a -- and it may
8 have been more of assumption on my part. That there was an effort get a definitive
9 statement from the President out, recorded or released in some manner.

10 I shared my view by -- by asking the question, and my reaction when I -- when I
11 heard that something was in the works. But I don't want to speak for Chief Meadows,
12 but my assumption -- I can only talk about my assumption.

13 Q Sure?

14 A And just at the time, it was an effort to persuade the President, but I didn't
15 witness that effort.

16 Q Were you satisfied by the video that Mr. Trump tweeted at 4:17?
17 Again -- go ahead. What was your reaction to that?

18 A Yeah, I -- I can't remember the exact text of what he spoke, but what I
19 remember is that when yet a subsequent statement was released by the President in the
20 wee hours of the morning, if I remember accurately, that was -- that statement finally
21 represented something along the lines of what I had hoped would have been released,
22 you know, earlier that afternoon that day. So it was -- that's my recollection of what I
23 felt about those competing statements or sequential statements.

24 Q Did you talk to anybody -- again, you're still at the White House at the
25 time -- about putting out a statement -- a forceful statement about telling the rioters to

1 go home?

2 A Well, at this point, it's now in the 4:00 o'clock hour. I was in my office and
3 attempting again to reach Robert O'Brien, who I did reach in the 4:00 o'clock hour,
4 probably closer to 4:30. And I conveyed to him that I was leaving, that I had to leave.

5 He -- he accepted my resignation, and then we talked about continuity and to
6 ensure that I was leaving in a way that was responsible. And so we discussed -- he asked
7 me to stay in my -- in place until he could get back to the White House. And, you know, I
8 think our assumption at the moment was that he'd be back that evening. It end up
9 being more logistically fraught than either of us expected. And it wasn't really until the
10 middle of the night, I think, that he got back to Washington. So I remained at my desk
11 until he came in early the next morning.

12 Q Was there any explanation you gave to Mr. O'Brien during that 4:30 phone
13 call as to why you were leaving?

14 A Yeah, I mean, I told him the same that I just told you. I told him that about
15 seeing the attack on the Vice President, and believing that -- that I could no longer stay, in
16 light of that attack, and in light of -- you know, in light of the fact that he was attacked for
17 trying to carry out his constitutional duty to certify an election, and in light of the fact that
18 things had turned violent, and, in fact, lethal, I think, by then.

19 And so we -- we -- the conversation very quickly just got down to the business of
20 how do we effectuate my resignation without leaving a gap in leadership, and without
21 making us -- you know, putting -- ensuring that the institution of the NSC would continue
22 functioning following the events of that day.

23 Q Did Mr. O'Brien share your views about the events of the day, and did he
24 also consider resigning?

25 A Well, I would -- I would -- I'd really refer you to Ambassador O'Brien, you

1 know, to talk about his -- his, you know, feelings and views, and so forth. I think that he
2 was -- my main recollection was that, one, he accepted the resignation, but was also
3 focused in a serious way on continuity. Continuity of the NSC, continuity of the
4 leadership of the NSC, and ensuring we made it through this constitutional crisis, and
5 were able to handoff on inauguration day.

6 So he expressed to me -- we had, you know, more than conversation over the next
7 several hours. He made clear to me that he was staying on. And we both thought that
8 it was wise for the President to be aware that he was staying and that I was leaving,
9 and -- and so I left it to him to sort of work out when and how to inform the Chief of Staff
10 and the President. And he came back to me much later that night and asked me to send
11 a note to the Chief of Staff confirming or, you know, conveying in writing my resignation,
12 which I did.

13 Q Mr. Pottinger, you spoke about the attack -- of the tweet that Mr. Trump put
14 out about the Vice President. Did you hear any of the speech that day of the former
15 President?

16 A No, I -- I was at the -- with the Indian ambassador almost -- almost precisely
17 the same -- I think I was commuting to that engagement while the President was
18 speaking. I don't recall hearing the President's speech, except in clips that were being
19 recycled in the news broadcast following -- you know, as the day deteriorated.

20 Q What was your impression upon hearing those words, not realtime, but the
21 clips, in terms of further attacks on the Vice President?

22 A Yeah, I mean, the -- you know, it was clear that the language had, at a
23 minimum, inspired tens of thousands or more demonstrators to march to the Capitol. I
24 saw some of the clips that others who spoke at the Ellipse had made as well. There was
25 one -- I remember the word "combat" being used. These were -- these were -- this was

1 intemperate language that I think contributed to the general mood that -- that would
2 inspire some to take violent steps.

3 Q You weren't the only person to resign that day on January 6th from the NSC.
4 I think there was four or five others. Do you remember their names?

5 A Well, I think that those resignations may have come the next day, to be
6 honest. I don't -- there were some other resignations I read about, but I don't think I
7 read about them -- any NSC staff resigning until the following day, yeah.

8 Q Did you inform anyone other than your wife, of course, and Mr. O'Brien, but
9 anyone else on the 6th that you were resigning?

10 A I recall at some point later in the day, after I had already informed Robert
11 O'Brien and my wife, I would have told a couple of close aides and asked them to help me
12 get all of my paper, all of my records into those National Archives boxes, to ensure that
13 we're labeling that stuff.

14 So I don't remember the timing. It wasn't until certainly at least a few hours
15 after I made the decision to resign, and sometime after that, there was a news report that
16 came out that said I was considering resigning, so something spilled out at that point. In
17 fact, I -- the report was inaccurate. I had already -- I had already decided then. And, in
18 fact, informed the National Security Advisor that I was resigning at that point, but the
19 rumors started to get out.

20 Q How was your resigning received by the people that you told that day or the
21 days after?

22 A Yeah, you know, I told a few more staffers early the next morning before I
23 walked out, that I had resigned. I do remember telling some of the NSC staff -- senior
24 staff that they should feel that they are under no pressure to resign, that I will certainly
25 respect whatever decision they make, whether it's to resign or to stay in office, but I did

1 emphasize that staying in office had the benefit of ensuring continuity, ensuring that the
2 White House was well-informed about developments in the world, that the President
3 would still get the benefit of good advice, and that the transition, while it was very far
4 along at that point, would also be assisted by them staying on.

5 I do remember telling privately a couple of staff that if they stayed on -- if they
6 were feeling that they wanted to leave but elected to stay on, that I would always be a
7 character witness for them at any point in their lives, to make clear that they stayed on
8 for the country and for the best reasons .

9 Q I mean, it sounds like after four years working with the same people, it's an
10 emotional decision to leave in that moment for those reasons; is that fair to say?

11 A Yes, correct.

12 Q And it sounds like it was well received, and the reasons for your departure
13 was understood by the folks who worked with you?

14 A I think so. The Chief of Staff did receive my written resignation the night of
15 the 6th. He wrote back very quickly to thank me for my service. Robert O'Brien wrote
16 back, again, to thank me for my contributions over the course of those four years, and
17 certainly it's emotional, but it was a pretty emotional day for the whole country. It was
18 a trauma. It was a traumatic day.

19 Q Was there any sense from the other people who resigned within the NSC the
20 next day that those were decisions that were made independently, or was there a sense
21 that collectively people had had enough?

22 A I don't know the answer to that. I can only say that I did not -- those senior
23 directors who resigned did not ask me for my view of whether or not they should resign.
24 I think they made those decisions themselves, personally and automatically, and whether
25 they spoke to one another, I honestly don't know. But it was not coordinated with the

1 leadership. It was not coordinated with the National Security Advisor or myself,
2 those -- those resignations.

3 Q Okay. Before I ask anyone else if they have any questions, I just wanted to
4 go back to -- did you see Mr. Trump at all during the day of the 6th?

5 A No, not at all.

6 Q Did you learn where he was located or what he was doing?

7 A I had heard that he was in his dining room around -- you know, that became
8 clear to me after the Chief came out and we had our conversation -- that he was there.
9 But I did not monitor his -- his exact location on the campus for the rest of the day.

10 Q And once you went back your office around that 3:00 o'clock timeframe, did
11 you ever go back to the Oval or outer Oval?

12 A Not that I recall. Not that I recall. Yeah.

13 Q What time did you leave that day on the 6th?

14 A I stayed at my desk through the night.

15 Q Why was that?

16 A Because the National Security Advisor had asked me to remain in place until
17 he could get back from Florida, and his -- he finally -- you know, for logistical reasons that
18 are not terribly interesting, but just having do with flight requirements for pilots in the Air
19 Force and so forth. They had to have a certain interval before the pilots were allowed to
20 fly back. You know, "crew rest" is the term or the technical term, I think.

21 So O'Brien didn't get back until very late that night, and then we spoke by phone
22 from his secure SCIF at his -- at his residence. And so I elected to stay through the night
23 until he came in the next morning and I could give him an out brief, which I did. And
24 then -- and then I took, you know, my belongings, which was just a shopping bag full of,
25 you know, Advil and Tums -- you know, just a few items, and I walked out. Everything

1 else got shipped to the -- that morning off to the National Archives.

2 While I was at my desk, I was also doing really mundane things in addition to just the
3 watching the certification of that election in the wee hours of that morning. I was filing
4 my financial disclosure forms, which is -- which is a chore. It's not a 15-minute task,
5 filing all of that stuff. So I spent the night sort of working on that, and writing -- writing
6 final e-mails to staff and so forth, and then leaving the next morning.

7 Q Did you watch the certification process as it started from 8:00 p.m. until 3:10
8 a.m., I believe?

9 A Yeah, it was running in my office. I was, you know, making phone calls and
10 focused on getting organized in order to leave. So I was not 100 percent focused on it,
11 but I was certainly monitoring the progress. And I heard several of the speeches that
12 were delivered.

13 Q And what was your sense, once that process had ended? Did -- Vice
14 President Pence had done his duties that day?

15 A Yeah. Well, that the -- that the system had held, that -- that we finished
16 that 24-hour period the way we started, as a rule of law society, with an election that
17 had, while contested and while the President had the right to contest an election,
18 nonetheless was adjudicated according to due process under the Constitution and our
19 laws. So I think that it was a relief to see that -- that outcome, quite frankly. Yeah.

20 Q Did you ever return to your office, then, after January 7th, the morning of?

21 A No, no.

22 [REDACTED] Mr. Pottinger, I don't have any more questions. Thank you for
23 your service, but I will turn it to [REDACTED]

24 BY [REDACTED]

25 Q So, Mr. Pottinger, when you were at the Indian ambassador's residence, was

1 General Keith Kellogg, the senior national security official at the White House?

2 A Yeah, that's probably fair to say. You know, he is -- General Kellogg was the
3 senior-most national security official, even though he wasn't technically, at that point, a
4 National Security Council staffer. He was a personal staffer to the Vice President, but he
5 was also an assistant to the President in rank, which is the senior-most rank. And, of
6 course, that would make the answer affirmative to your question. He was the
7 senior-most national security-focused official in the West Wing.

8 Q And did you talk to General Kellogg about what had transpired when you
9 were away from the White House?

10 A No. I did receive -- if I remember correctly, he had come looking for me
11 while I was at that embassy, and that was one of the things that I was informed about
12 once I got out of the lunch into the car, and we had the wireless alert. And then I spoke
13 to my staffer who said, you need to get back. You need to get back quickly. So I
14 definitely saw Keith shortly after I got back.

15 Q Did General Kellogg tell you anything about his interactions with the
16 President that day?

17 A I do not recall him mentioning interactions with the President. It's possible
18 that he had not yet interacted with the President, but we talked about -- you know, we
19 saw the TV and what was transpiring there, but I don't recall him conveying something
20 specifically about the President.

21 Q Did General Kellogg tell you anything about his interactions with Ivanka
22 Trump that day?

23 A No.

24 Q Do you know whether there were efforts to persuade the President to say
25 something more forceful about asking the rioters to leave compared to the text messages

1 that we already went through earlier that had things like remain peaceful?

2 A Nothing direct. In other words, I don't recall anyone filling me in on
3 exactly -- it was clear to me that the President was in the company of the Chief of Staff
4 and perhaps others, although I wasn't sure who. I recall having every assumption
5 that -- that it would have been a common sense hope that the President would say
6 something, but I was not looped in on -- on a specific conversations that he was having or
7 the -- whether -- what precisely people were telling him. But I did -- I did assume,
8 probably correctly, that -- that people were trying to encourage him to make a statement.

9 And more things spilled out over time -- phone calls he received, things that I've
10 read about, like any -- any informed citizen has read about, but there were not direct
11 conversation that I was looped into that -- that day.

12 Q Okay. I think you said earlier that the Department of Justice had the lead
13 as far as preparations for January 6th. How do you know that to be case?

14 A I knew that from probably just the regular briefings I get every morning from
15 my staff. You know, we have a -- a Resiliency Directorate. All of the directorates
16 would write summaries of their work streams each night that I would review first thing in
17 the morning. My guess is that that's how I knew. I think it was clear in my mind that
18 the Department of Justice had the lead in advance of January 6th. It wasn't just
19 something that I would have learned that morning.

20 Q Did somebody designate DOJ as the lead agency?

21 A My -- I don't think that there was a formal NSC process to make that
22 designation. It would have been a designation made by the President and the Chief of
23 Staff. That's my best guess.

24 Q Well, I don't want you to guess. Do you know whether, in fact, that
25 happened?

1 A I don't know when the designation would have been made formally that DOJ
2 had the lead for that day, but remember, we had had a lot of demonstrations. We had
3 some violent demonstrations prior to the 6th of January, including right outside the
4 White House earlier that year. The DOJ had the lead in those instances as well. So at
5 this point, it felt more or less like standard operating procedure that the Department of
6 Justice and the FBI would have had -- would have had the lead.

7 Q And then you said earlier that it was after the 2:24 Presidential tweet about
8 the Vice President that you decided you were going to resign. Was it your belief that
9 that tweet had -- in some ways, had contributed to the ongoing violence?

10 A Well, I couldn't have -- I couldn't have known what the effect of the tweet
11 was, because I received that tweet pretty soon -- you know, probably a matter of minutes
12 after it was issued. So I made a decision to leave before I could have observed the
13 knock-on effects of it, but I thought that it was a reasonable assumption that this was
14 something that would contribute to a -- to inflaming emotions, not tamping down
15 emotions.

16 [REDACTED] I don't have --

17 [REDACTED] I don't have anything further. Does anybody else have any
18 questions before we go off the record.

19 Mr. Pottinger. If I could just close with one thing.

20 [REDACTED] Yes, please.

21 Mr. Pottinger. You know, as I -- which is simply that, you know, I mentioned that
22 this day was a national trauma, and I do want to state that we have something
23 approaching a kind of an epidemic -- an epidemic of officials -- not only Republicans,
24 Democrats as well -- who have alleged fraudulent or illegitimate or stolen elections in
25 recent years. And this has got to stop. This has really got to stop, because when you

1 take an oath of office, you accept that we are a nation of laws, and, you know, you
2 can -- you can be concerned about election fraud. We know that election fraud has
3 happened at many points over the course of our history.
4 But you either -- if you take that oath, you have to accept that we're a nation of law, and
5 that there's a due process, that there's a prescription under our the laws and under the
6 Constitution for adjudicating contested elections, and that's what we swear our oath to
7 uphold.
8 So I just wanted to make a general statement about that. I think that every
9 official -- Republican and Democrat alike -- national office, local office, down to the level
10 of dogcatcher should read the concession speech made by Al Gore in 2000 and they
11 should read the concession that Richard Nixon gave in 1960. Those are powerful
12 historic examples for all of us to follow, but I'll -- that's -- that's -- I don't have anything
13 else.
14 Thank you.

15 [REDACTED] I appreciate you saying that at end.

16

BY [REDACTED]

17 Q And I believe in both of those cases, Nixon and Gore, they were serving as
18 Vice President at the time, and therefore, presided over the joint session of Congress that
19 certified the election; is that your understanding?

20 A Exactly 60 years to the day. It was January 6th, 1961, that Vice
21 President -- outgoing Vice President of the United States Richard Nixon certified the
22 election of his opponent for the Office of the President, Senator Jack Kennedy. And
23 President Nixon had very good reason to believe that that election had been stolen
24 through acts of fraud, and he had been encouraged by many people in national life,
25 members of his party, some members of the press to contest that election, and he

1 elected not to contest it.

2 I wrote down his quote. He said, "It would tear the country to pieces. You
3 can't do that." He said, "In our campaigns, no matter how hard fought they may be, no
4 matter how close the election may turn out to be" -- which was a euphemism for up to
5 and including fraud -- "those who lose accept the verdict and support those who win."
6 And that is why our republic has -- is singularly exceptional in the history of humankind, in
7 that we have had a predictable, peaceful transition of government for two and a half
8 centuries. It's an amazing achievement, and it's -- we've got a strong system and a
9 resilient system, but why test -- why test the outer limits of that resilience.
10 We've got to knock it off in both parties, candidates on both sides who are making claims
11 of illegitimacy of our elections or that the election has been stolen. The republic is
12 bigger than any candidate -- anyone -- all the way up to and including the President of the
13 United States, and that's the beauty of our system.

14

BY [REDACTED]

15 Q It sounds like, Mr. Pottinger, that you are making a direct connection
16 between the claims of the stolen election and to the events of January 6th?

17 A That's right. I've always believed that the President and his supporters
18 have been well within their rights to contest under due process, under the rule of law, in
19 peaceful ways -- to contest the outcome of that election. Maybe there was significant
20 fraud. I haven't seen the evidence for it, but it's possible.

21 And so at the end of the day, if we swear an oath under God that we are not a
22 nation under men, but under laws, you have to accept, no how bitter the outcome or how
23 much you believe the outcome to be unfair or -- you have to accept the outcome under
24 the Constitution. Otherwise, we don't have a republic, and that would be the worst
25 outcome for -- not just for the United States, but really for humanity. I still believe that

1 we are the great hope of humanity and that our system of government is -- as imperfect
2 as it is -- is the closest thing to perfection that we've been able to come up with so far.

3 Q Do you hold Mr. Trump accountable for the acts of violence that occurred on
4 January 6th because of the promotion of the stolen election?

5 A I don't believe that he had planned or ordered or hoped for violence. You'll
6 have to ask -- ask him what was in his heart, but there's no denying that the people who
7 perpetrated acts of violence, even though they were a fraction of a percent of the
8 number of demonstrators out there that day. There were a lot of people out there
9 expressing their views legitimately under their First Amendment right to assemble
10 and -- but that fraction of a percent sure made of a hell of a difference, didn't it, in the
11 history of our country, and what happened that day. They used violence, and they were
12 inspired by the President, even though I don't believe that they were instructed by the
13 President to do that.

14 So there is a -- there is a moral connection and a moral responsibility that rests
15 with the President, but even though I don't think there was a conspiracy or -- or some
16 kind of instruction to commit violence. You'll know better than me by the time you've
17 completed your investigation of what all the facts were that day, but that's my
18 impression.

19 [REDACTED] Understood. Anything else.

20 Ms. Murphy, I see that you have rejoined us. We are wrapping up. Mr.
21 Pottinger made some closing remarks, but our questioning is complete.

22 Ms. Murphy. No, I'm all good. Thanks.

23 [REDACTED] Great. Thank you, Mr. Pottinger, and we will go off the
24 record.

25 [Whereupon, at 2:11 p.m., the interview was concluded.]

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Certificate of Deponent/Interviewee

I have read the foregoing ____ pages, which contain the correct transcript of the answers made by me to the questions therein recorded.

Witness Name

Date